

WANTED: A UNITED STATES OF EUROPE

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CHAPTER I

INTRODUCTION

"Two or three hundred millions of people in Europe have only got to wake up one morning and resolve to be happy and free by becoming one family of nations, banded together from the Atlantic to the Black Sea for mutual aid and protection. One spasm of resolve! One single gesture! The prison doors clang open, out walk, or totter, the captives into the sunshine of a joyous world."

These eloquent words were written by the Hon. Winston Churchill (1) in an article which he recently wrote for an American journal. And how true these words are! For Europe today is in a state of imprisonment, bound by the wastage and destruction of a tremendous world war which has sapped the strength of each and all of her member nations who had barely recovered from an earlier devastating war - in the same generation. The article in which the above expressive passage can be found is entitled, "The Highroad of the Future", and can be found in the January 4, 1947 issue of *Colliers Magazine*. In it, Winston Churchill pleads for the establishment of a United States of Europe as a solution to the overwhelming problems now facing the European peoples - and he backs his plea with many cogent arguments.

Winston Churchill is but one of many prominent statesmen and public men who have strongly advocated, particularly since the end of World War II, the formation of a European political union. Among these men is Clement Attlee, now British Prime Minister, who has uttered a powerful statement with respect to these views, a statement for which he will long be remembered: "Europe must federate or perish!" In France, Aristide Briand and Edouard Herriot, even before the war, had been ardent supporters and promoters of

(1) Winston Churchill, M.P., "The Highroad of the Future," *Colliers*, January 4, 1947. p. 12.

the idea of a European union. Every passing day finds an increased number of prominent men in America publicly taking a stand in favor of such a union. John Foster Dulles, adviser of statesmen and presidents, last February built a speech on post-war Europe around the following famous statement of Alexander Hamilton - a statement worthy of considerable pondering:

"To look for a continuation of harmony between a number of independent, unconnected sovereignties in the same neighborhood would be to disregard the uniform course of human events and to set at defiance the accumulated experience of ages."(2)

The United States Secretary of State, George C. Marshall, has gone so far as to force Europe to consider and plan for economic cooperation in his now famous "Marshall Plan" - a plan which directly paves the way for a European federation.

The names of but a few well known and respected men have been given, but the list of thinking men and experts in the field of international affairs, strongly endorsing and working for a European federation, is a long one indeed. And when one considers the depressed conditions in which Europe finds herself today, even after two years of peace, one can't help wondering if perhaps political union may not be the answer to her problem. There is a tremendous task of rehabilitation in store for all European nations who are striving so hard to restore their economies to the pre-war level, as unsatisfactory as that period may have been. And each of these nations is fully aware of the important fact that they are incapable of rebuilding without the direct or indirect help of other nations, near and far, wealthy or impoverished. The fact that so many of these nations have attempted to fortify themselves for political reasons against too much dependence upon out-

(2) John Foster Dulles, "Europe Must Federate or Perish", Vital Speeches, Vol. XIII, February 1, 1947. pp. 234.

side aid through government controls of one kind or another has contributed greatly to the slowness of recovery throughout Europe. While aware of the need of economic cooperation and collaboration, they fear it. This paradox has created a desperate situation. Perhaps these political fears barring real recovery can be resolved in a European federation.

The United Nations has certainly recognized the obvious need of European economic collaboration for the solution of that continent's post-war problems by the formation of an Economic Commission for Europe designed to encourage and assist in just such collaboration. The Marshall Plan, organizing American loans on a European basis and administered or coordinated through this new Commission, paves the way for further economic collaboration on a continental scale; and the tremendous integrating effect of such a plan can be easily foreseen when one realizes that the key to European recovery lies in the loans to each of its nations of money and goods from the United States. How successful can either the European Commission or the Marshall Plan be without formal political implementation on a European scale?

The political problems which Europe faces are also crying out for international collaboration. The question of security remains uppermost in the minds of the continent's many foreign ministers. And naturally so, in view of the frequency of European wars. Economic collaboration halts sadly as a result. And the democratic institutions held dear by all freedom loving people are slowly collapsing because of the combination of political and economic insecurity facing each nation.

Even disregarding Europe's post-war problems and considering the past history of this continent up to World War II, the need for unified effort on the part of its various nations does not diminish. Countless

numbers of analysts of European conditions - political scientists, economists, geographers and sociologists alike - time and again have reached the conclusion that the dividing of this small but productive area into numerous competitive and fearful national sovereignties has already caused and can in the future only accelerate a decline in European civilization. Furthermore, this "house divided against itself" has twice in one generation produced a world shattering war bringing suffering to countless other nations. John Foster Dulles, in the speech about which reference has already been made, emphasizes this danger in succinct terms:

"Whoever deals with Europe deals with the world's worst fire hazard. Repeatedly it bursts out in flames. Twice within the last thirty years the edifice has virtually burned to the ground. The human and material losses have been colossal and irreparable. After each past conflagration, the structure has been rebuilt substantially as before."(3)

A clue to the solution of this problem can be found in the following statement of Count Coudenhove-Kalergi, long a noted crusader for a United States Of Europe:

"To its unity America owes its unexampled rise; to its disunion Europe owes its unexampled decline." (4)

Can anyone deny the need for a unified European structure as a means for insuring European progress rather than further decline?

Europe is indeed floundering behind prison doors. What is needed to enable them to "clang open"? This writer, agreeing with the statements and ideas of the men cited above, contends that the answer lies in political collaboration and unification of the European nations through the formation of a federal United States of Europe. The purpose of this thesis, therefore,

(3) Ibid., p. 235.

(4) Richard N. Coudenhove-Kalergi, Pan-Europe, New York: Alfred A. Knopf, 1926. p. 71.

is to first justify the need for formal political integration of the European nations by exploring and analyzing the present economic and political conditions in Europe which point to the need for a radical change towards permanent cooperation. The fundamental nature of federalism and the application of federal principles to Europe will then be studied in order to insure the solution of the many problems facing Europe. We will attempt to prove in this thesis that a European federation, based on truly democratic principles, is not only the means for solving European problems centuries old and the means, furthermore, for settling many international problems, but that such a federation can be considered a real possibility, practical and adaptable, with events indicating its formation in the not too distant future. Finally, no little emphasis will be placed upon the powerful beneficial effects of such an organization upon European civilization in general and the contribution it can make towards international peace and prosperity and to the realization of "one world". The writer will attempt to leave no stone unturned in a sincere effort to present sound and comprehensive arguments in proving that a United States of Europe would set Europe on the road to far greater progress and prosperity than the peoples of that suffering continent have ever dreamed.

CHAPTER II.

THE PROBLEMS OF EUROPE TODAY

The problems of Europe today can be divided into two basic categories, namely economic and political. In the great majority of cases the former have caused or have greatly influenced the latter; and this can be rightly expected, for in the final analysis, governmental policies result from the need of controlling economic problems chiefly amongst others. It therefore seems logical to outline first the economic problems now facing Europe in order to better understand the nature of the political problems. This task is not an easy one, for the subject matter at hand is tremendous in scope, yet containing innumerable detailed ramifications; and it is, at the same time, elusive in that the picture is constantly changing day by day and month by month. In confining ourselves, so to speak, to the over-all picture by viewing the problems on a continental basis, we may be able to gain the proper perspective and steer a straight course between over-generalization and too detailed analysis.

There is one word of explanation required before launching forth upon our survey of European conditions. It lies in the answer to the question: "What is meant by a 'continental basis'?" It is imperative before proceeding to define the area with which we are chiefly and almost exclusively concerned. That area is continental Europe excluding Russia and the once independent nations which are now a part of Russia, namely Latvia, Lithuania, Esthonia and Finland. Great Britain is not included as she is neither located on continental Europe nor is her economic and political welfare exclusively dependent ^{upon} or bound up with that of Europe. Great Britain has tied her economy increasingly to that of the British Empire in which her economic, if not political, interests are far more powerful than her relations with con-

tinental Europe. Russia is excluded because of her size tremendous enough to be part of two continents and which produces problems distinctly Russian and not European in nature. The area will include, therefore, the Scandinavian states, western and eastern Europe (as far as Russia) and the Balkans, and whenever Europe is mentioned hereafter, it should be understood to refer to these countries only.

"These countries only" certainly bear economic burdens which cannot be delimited quite so matter of factly. The last world war has left every nation on earth facing tremendous tasks of readjustment to peace if not of actual reconstruction. The bulk of European countries have been weighted down by the triple burden of readjustment, reconstruction and rehabilitation. Only four out of the twenty one small nations of Europe were neutral in the war, and therefore physically unmolested. A few, such as Norway and Denmark, escaped large scale physical bombardment and destruction. But the remaining European area met with tremendous devastation and ruin besides the loss of countless precious lives.

The problem of reconstruction in Europe is therefore the first and basic one. The war left Europe with over 100,000,000 people being fed at a level of 1500 calories or less a day (2800 being the bare minimum necessary). Millions were without adequate housing, clothing, domestic equipment or working tools. (1) Those countries with industrial economies suffered a severe shortage of manpower with which to revive their industries. During the winters following the war, the coal and fuel shortages were so drastic that heat and power had to be completely cut off at regular periods in many of the capital cities of Europe. (2) Electricity cuts prevented or post-

(1) "Division Over Europe", New Republic, October 7, 1946. p. 431.

(2) Canadian Forum, March, 1947. p. 269.

poned the resumption of industry in Northern Italy. And even such weather problems as freezing of rivers and canals in northern Europe - particularly in the Netherlands - prevented the transportation of what little coal

(3)
was available. Food supplies had to be imported by most countries during the winter months; and those without adequate finances to pay for such imports - such as Italy, Greece and Austria - had to depend upon charity. (4)

A powerful example of the tragic condition in which Europe found herself after the war can be found in Duisburg, a one time productive city at the confluence of the Rhine and Ruhr Rivers, which lost no less than one third of her workers to hunger, disease and fatigue following the end of hostilities. (5)

The restoration or replacement of damaged and destroyed buildings has been a tremendous task for each of the countries occupied by the Nazis, even excluding the general burden of economic reconstruction. In an article in Time Magazine entitled, "Europe's Loss" can be found the following tragic statement:

"Much of the best in Western civilization has been blown apart, and what was gone was irreplaceable."

Included in that category of "best" we must mention 4,000 British churches that were hit and 2500 historic Italian buildings burned. The area hardest hit and suffering the worst damage in France was the Cherbourg, Calais, Rouen triangle noted for its many historic and cultural possessions. (6)
One hundred treasured cathedrals, statues and frescoes were damaged; and fifty one cities in France, twenty-eight in Germany and twenty-seven in Italy suf-

(3) Ibid., p. 269.

(4) Albert A. Shea, "Tour of Europe", Canadian Forum, March, 1947. p. 272.

(5) "Europe, Troubled Resurrection", Time, April 8, 1946. p.28

(6) "Europe's Loss", Time, November 4, 1946. p.63.

(7)

ferred the damaging of valuable medieval monuments.

From this general survey of the devastation found in Europe following the war, it is not difficult to understand the tremendous task of reconstruction which faced Europe - a forlorn, weak and desperate Europe. The situation might not have been so desperate if these countries were equipped financially and even with sufficient manpower to rebuild themselves; but even these vital necessities were not to be had by the great majority - Belgium, Netherlands and France to a degree, being the noted exceptions. And even they, with financial resources available for them in America, still faced the problem with insufficient manpower. When we estimate the degree of progress in reconstruction that has been realized by these hard-hit countries, we cannot help appreciate all that they have done - and all that has been done for them through international aid - knowing the tremendous odds against such progress. By being aware of the nature of European reconstruction problems, we can also better understand the reasons why European economy today has not fully recovered but still has tremendous hurdles to overcome.

Let us first, therefore, briefly review the progress made in Europe along the lines of agricultural, industrial and commercial rehabilitation. The agricultural production in Western Europe has been almost completely restored, France, Netherlands and Italy receiving the greatest damages; Belgium, Denmark, Switzerland and the Scandinavian countries comparatively unharmed. The Netherlands had first to drain large portions of their land flooded by the Nazis, and time is necessary to restore complete fertility. Production there has been sufficient however to prevent food shortages, except in fats and meat. (8) Italy's agricultural progress has been slower due

(7) "The Bombed and the Spared", Newsweek, August 19, 1947. p. 90.

(8) Eveline Van Berkum, "Reconstruction in the Netherlands", Canadian Geographic Journal, March 1947. p. 141.

to tremendous damage amounting to 312 billion lira's worth wrought upon agriculture, the shortage of equipment and the loss of agricultural stock-piles as well as 30% of Italy's livestock.⁽⁹⁾ Agricultural restoration in Eastern Europe has been considerably slower due to the damage inflicted as well as the demand by Russia for reparations payments in agricultural produce. Greece has made hardly any progress; in fact, civil strife has left her agriculture stagnant.⁽¹⁰⁾ The burden of supporting Allied occupation forces and of being subjected to their uncoordinated policies has prevented Germany and Austria⁽¹¹⁾ ⁽¹²⁾ from improving their agricultural production to the utmost.

As for industrial production, signs of some progress are apparent. France⁽¹³⁾ and Belgium⁽¹⁴⁾ have achieved 80% of their 1938 production; but this is not satisfactory for the purpose of restoring their export trade. Their aim is to equal the 1929 production level. The coal shortage in Europe, however, has prevented complete restoration of industrial production in general, with northern Italy being hardest hit. She bore a double burden, for not only did the general shortage harm her, but all her coal as well as other raw materials has been imported with payment made by her exports of manufactured goods, goods which cannot now be produced.⁽¹⁵⁾ But Italy's dilemma is only typical of most of the industrial countries of Europe. Austria's problem is unique in that her industrial plant is in excellent condition for use; however, the problem of fuel and raw material shortages as

(9) Sergio Fernealtea, "Italy at Work - Achievements and Needs", Foreign Affairs, July 1946. p. 715.

(10) "Guidance not Dole for Greece", United States News, March 28, 1947. p.14.

(11) Karl Brandt, "Can Germany Ever Feed Its People?" Saturday Evening Post, November 16, 1946. p. 20.

(12) G.E.R.Gedye, "The Position of Austria", Contemporary Review, November 1946 p. 262.

(13) "French Industrial Comeback", Business Week, June 1, 1946. p. 113.

(14) "Too Many Complements", Time, March 18, 1947. p. 83

(15) Fernealtea, op.cit., p. 721.

well as the burden of reparations and the paralytic effect of four occupation forces has so hamstrung industrial progress as to make it negligible. (16)

As for Germany, Allied restrictions have prevented an industrial comeback, and her production has been forced to remain at an artificially low level thus depriving the rest of Europe of the coal and steel which had always (17) been her chief export items. In fact, here lies the crux of the problem in connection with European industrial progress which will be entered into in greater detail later.

Europe's progress in rebuilding her export trade reflects her industrial progress. Analysis of European trade reveals a vicious circle: her exports depend upon industrial production chiefly which in turn depends upon the availability and distribution of raw materials which in many instances must be imported. The restoration of international trade is indeed a dilemma for Europe because of this dependence upon basic raw materials from outside sources - imports which cannot be financed by exports and yet are essential. Short term barter agreements have been chosen by most of the countries as one method of solving their problem, but these have not served to fill any one country's needs of a fundamental and permanent nature. Eastern European countries, particularly those owing reparations to Russia, such as Rumania and Hungary, have gone a step further by establishing joint stock companies with Russia in their basic industries, thereby giving Russia a share in determining their economic future. Russian control has been increasing steadily in these countries. Yugoslavia, Czechoslovakia and Poland have adopted the policy of committing themselves to long term, over-all

(16) Gedye, op.cit., p. 262.

(17) "Dilemma in Revival of Reich", United States News, April 4, 1946. p.19.

trade agreements with Russia thus confining their foreign trade to a considerable extent. (18) The general problem of European trade is now being discussed at Geneva, Switzerland, in an attempt to establish world-wide reciprocal trade agreements as another solution to the general problem. In this conference the United States is playing a dominant role. Europe as a whole, however, is not too well represented, the only participants being Belgium, France, Luxemburg, Netherlands and Czechoslovakia. (19) The conference has emphasised the need for Europe to open her channels of trade as much as possible.

This brief summary of Europe's progress on the road to recovery and the description of the condition in which Europe found herself at the end of the war indicate the existence of a vital problem common to all the countries, namely that of increasing their supply of the essentials of life - food, clothing and shelter. None of these countries has ever developed its industry and agriculture to the point where all three of these basic needs could have been met without assistance from other countries, and, as a result, each has depended upon imports for the satisfaction of part of their needs, paying for these imports by exporting their surplus supplies. Immediately following the war, these countries were completely dependent upon imports for their survival, some receiving them without payment through the aid of the United Nations Relief and Rehabilitation Administration, others purchasing their imports through accumulated reserves. Their ultimate aim in reconstruction, therefore, is to be able to pay for the necessary imports from current production and at the same time increase the national income. The immediate problem facing each country is that of increasing production, either

(18) "Europe Fears U.S. Slump", Business Week, December 14, 1946. pp. 113-114.

(19) Colston E. Warne, "Prospects of Reciprocal Trade", Forum, April 1947. p. 298.

agricultural or industrial, often both. But the dilemma each and every nation faces is that even to increase production, imports are necessary, as has been stressed in Italy's case in particular. They have thus resorted to three basic policies; 1) the receipt of foreign loans for the payment of imports until production is capable of fulfilling that purpose; 2) the integration of their economies with that of a larger and more powerful nation thus gradually restoring their powers of production; and 3) the negotiation of short term bilateral barter trade agreements to exchange surplus for needed supplies. All the European countries have resorted to policy 3) as a temporary solution to their problems; while one could categorize the western European countries under policy (1), and the eastern European countries under policy (2). Thus Europe prepares for the future with each of her several nations indicating so obviously its lack of economic independence.

Associated with these basic problems of reconstruction are other more immediate ones which, in some instances, threaten to prevent the success of the policies described. The most universal threat is that of inflation and currency instability. Its danger is most prevalent in those countries which have governments torn with disunity. Political weakness and instability must therefore be considered as another associated problem. Many of the eastern European countries, particularly Greece, Bulgaria, Hungary and Rumania, must be mentioned in this respect, but even France is having difficulties in meeting both problems. A third corollary problem is that of the shortage of manpower which each country is suffering - a shortage which time has not decreased. And the tremendous burden of reparations which involves the sacrifice of a large percentage of current production that must be borne by the central European countries in efforts towards reconstruction, must also

be added to the list.

The fifth immediate burden shouldered by all the countries is the general shortage of coal in Europe which did not receive enough emphasis in the review. This shortage is a universal one throughout Europe, and deserves special attention in that it involves the complete dependence of Europe upon production in the Ruhr and Rhineland which, in the final analysis, will determine the success or failure of Europe's economic recovery. A study of the Ruhr was made by Fortune Magazine and in its December 1946 issue it comes forth with some of the following startling statements:

"Not merely the happiness and prosperity, but the very existence of much of Europe depends on the Ruhr."
(page 129)

Also: "---its revival is probably the world's No. 1 economic problem." (page 129)

Western and northern Europe alone need 70 million tons of coal per annum in order to return to a satisfactory level of productivity. Great Britain can provide at present only 10 million tons. Polish coal is exported to Russia; and the United States coal - only 17 million tons in excess of her own needs - is exported at extremely high prices. (20)

The Ruhr, on the other hand, has a potentiality developed by Germany of 128 million tons per annum - or more than one tenth of the world's total output - and this quantity is easily accessible at low price. The Ruhr is capable of producing an equally enormous quantity of steel, for in 1937 her annual production was 128 million tons. (21)

These statistics give significant proof of the need for the survival of the Ruhr which at present labors under such rigid and artificial limitations.

(20) "The Ruhr", Fortune Magazine, December 1946. p. 130.

(21) Ibid., p. 131.

(22) Ibid., p. 131.

They indicate the validity of the following statement made by Henry Hazlitt in his article entitled, "The German Paralysis" which appears in the April 21, 1947 issue of Newsweek:

"The productivity of Europe cannot be restored without the restoration of Germany as a contributor to that productivity."

Yes, the problem of the European coal shortage is tied in directly with the question on policy for Germany. German economic repression is indeed a major economic problem for Europe, and it is absolutely imperative that politically satisfactory means be found to restore Germany's high level of productivity in respect to the Ruhr Basin particularly.

Before turning from Europe's economic problems to those of a political nature, a few more facts should be given in connection with the degree of European dependence upon financial aid from other areas, the United States particularly. Through such institutions as the International Bank, the international Monetary Fund and the United States Export-Import Bank as well as through the policy of selling overseas surpluses on a credit basis, the United States has apportioned abroad a total of \$15 billion. (23) In spite of the fact that Europe is receiving all but \$3,750,000,000, which has been loaned to Great Britain, the continent requires further financial aid. The Secretary-General of the United Nations presented last March (1947) an Interim Report to the Economic and Social Council in which he requested the allocation by the United Nations of a minimum of \$2,800,000,000 for reconstruction in the following countries: Czechoslovakia, Belgium, Luxemburg, France, Germany, Netherlands, Poland, Yugoslavia and Ethiopia, all of which are members of the United Nations; and the following non-

(23) Sen. Elbert D. Thomas, "American Dollars Fight for Peace", American Magazine, November 1946. pp. 3-6.

(24)

members, Austria, Finland, Hungary and Italy. The exact amount, sources and conditions had to be determined; but before a final decision had been made public, the United States Secretary of State, George C. Marshall, presented his revolutionary plan, now known as the "Marshall Plan" which, if instituted, will no doubt serve as a substitute for any formal United Nations allocation.

The "Marshall Plan", calling for collaboration by European states in defining their needs providing for exchange of surplus goods, gives Europe an opportunity to develop a degree of political independence even with respect to circumstances demonstrating considerable economic dependence. This plan indicates the method whereby Europe may solve her economic problems, and perhaps her political problems as well.

When we turn to the political problems facing Europe, we find that in these post war years of increasing integration of political and economic affairs within the jurisdiction of national governments, one cannot always make a clear distinction between the two. Europe, without doubt however, has been continually facing challenges of a purely political nature which affect the well-being of all her peoples. Although the weight of political problems falls heavily in the sphere of international affairs, those of a particularly national type cannot be ignored.

In examining these problems, let us first set up general criteria by which the political well-being of the people can be judged. The criteria can fall into two main categories: civil liberties and political responsibility. In the former group we should include freedom of speech and press, freedom of assembly, and freedom of religion; the second category would involve particularly the practice of free elections and secret ballot in the

(24) "Needs of Devasted Europe", United Nations Bulletin, March 11, 1947.
p. 218.

various kinds of representative government. Assuming that the political objectives, conscious or unconscious, of all people are civil freedom and responsibility as history justifies, we must conclude that the degree to which the various European nations have developed along these lines determines the extent of the political problems they face - and the degree of political maturity each nation has achieved.

To simplify our analysis, let us classify the types of government to be found in Europe at present. We find that four general classifications emerge: 1) Free, representative governments such as those of France, Belgium, Netherlands, Denmark, Norway, Sweden, Switzerland and Italy and Czechoslovakia, almost all western European countries; 2) totalitarian dictatorships, such as those in Spain and Portugal; 3) communist regimes such as those in Poland, Yugoslavia, Bulgaria, Rumania and Hungary; and 4) governments under Allied control or in the developmental stage, namely Germany, and Austria in the former case, and Greece in the latter.

It can be easily seen that only one group of countries out of the four have achieved a high degree of political maturity, namely those free representative governments of western Europe. Civil liberties are highly protected by the freely elected governments; and the people themselves for well over half a century have attained a high degree of political responsibility. In respect to the preservation and development of democratic institutions, these countries face little difficulty within their borders. However, the total number of people in these countries are only 135,270,386 according to 1945 estimates, just about 42% of the total European population. (25) The other 58% have yet to achieve an equally high degree of maturity. In the totalitarian states of Spain and Portugal, civil liberties are

(25) J. Paul Goode, Goode's School Atlas - Physical, Political, and Economic, Chicago: Rand McNally & Company, 1946. pp. 175.

sharply curtailed and the people themselves cannot determine the policies of their governments through freely chosen representatives. Here, indeed, is a marked contrast to the situation found in the rest of western Europe; and furthermore, here is a political evil that must someday be destroyed if all European people can realize progress.

The countries of the third classification are in a state of transition, and at present it is hard to predict whether the change will be for better or for worse. Civil liberties are being increasingly curtailed, but at a slow pace. Parties in opposition to communism are gradually being liquidated; and with the destruction of the multi-party system, free representative and truly responsible popular government disintegrates. There are fragments of opposition remaining in each of the communist controlled countries and these fragments bring us hope. However, the problem of achieving truly democratic strength is a tremendous one indeed. The challenge faces the people themselves, rather than their governments which seek their strength through the sacrifice of the rights of the governed.

In the fourth group of countries we find trends towards democracy and political strength resulting from Allied assistance. Democratic freedom and self-government are being manifested in increasing amounts in the United States, British and French zones of occupation in Germany and Austria; while the trend away from this development in the Russian Zone has not been greatly marked although democratic developments are not apparent. In Greece, there is hope for greater democratic strength as American experts assist in reforming the mechanics of government. At present the Greek Government is weak and ineffective and the Greek people inadequately assert their political responsibility. Thus it is imperative that the democratic developments in these countries be encouraged to the utmost; the problem rests with the Allies,

the governments, and the people.

The earlier part of this chapter was spent in describing the quest of Europe for economic freedom, but no less emphasis should be placed upon the need of her peoples for political freedom as well. Even though the latter need does not pertain to all European nations, it must be agreed that neither the continent as a whole nor any one country can progress to the fullest if oppression exists inside any one nation. The tragedy of the problem receives further emphasis when we recall that the second world war was fought in part by the European Allies to destroy political oppression. The trend away from civil freedom and responsibility marks the beginning of a political decline in Europe which must be checked.

In spite of the victory of the United Nations and their subsequent establishment of a formal organization for the peacetime development of collective security as well as international cooperation in many fields of activity, the issue of national security remains one of the determining factors in the foreign policies of each of the European states. None feel confident about permanent peace and many fear possible future aggression on the part of their neighbors. This is evidenced by the multitude of security pacts hastily negotiated between the many European states. As a result, strong military forces remain mobilized in practically every European country thereby intensifying the prevalent manpower shortage in reconstruction efforts and the shortage of funds for constructive purposes. A spirit of European friendliness is divided into blocs as are the many defensive pacts already negotiated. The sense of national insecurity has intensified nationalism and decreased tendencies amongst the European nations to cooperate with each other. As long as fear for future war determines the foreign and domestic policies of the European nations, the chances for complete economic recovery are postponed.

In the area of national security alone can the European countries assert any political independence, for in practically every other area of national foreign policy, there is increased dependence upon the Big Three - the United States, Great Britain and Russia. The degree of their economic independence considerably determines their political independence; for the latter therefore there is little hope in view of the picture of economic conditions already presented. The two European nations that have achieved the highest degree of political independence are Spain and Portugal, dictatorships which were neutral in the last war. Can true national sovereignty exist without real independence? And is it to these nations' advantage to be subordinate to outside powers in the name of national sovereignty? This sham sovereignty indicates another notch in Europe's decline.

In the international sphere of political affairs there appears to be problems even greater than those affecting democratic institutions. Some are problems centuries old, others have been created since World War II. They directly affect conditions - both present and future - in European states. Of the ancient problems or tensions, two remain outstanding: those concerning national boundaries and minorities. It seems that inspite of all the noble efforts of the Versailles Treaty to permit the maximum freedom for self-determination and to adjust age old boundary grievances, too many European states and nationalities remained dissatisfied with the decisions. Throughout the interim period between the two wars, Europe seemed divided into two groups: the Versailles Treaty revisionists, such as Germany, Italy, Poland, Rumania and Hungary, and the "stand-patters", so to speak, France, Belgium, Czechoslovakia and Yugoslavia whose nationals were safely confined within their borders. That division remains today with tension intensified; for little effort has been made on an international scale to make adjust-

ments, the final settlement on Trieste being an outstanding exception.

The situation with respect to national minorities is even more desperate. In the first place, inspite of the signing of minority protection treaties after the ratification of the Versailles Treaty by practically all European countries, there were flagrant abuses during the iterim period. For instance, Yugoslavia would not permit the use of minority languages by Bulgarians and Macedonians in their homes; (26) and German Tyrols in Italy were not allowed to speak German. Non-Rumanian signboards were taxed eight times more than others in Rumania. In Lithuania 75% of the Germans living there were forced to attend Lithuanian schools while 20,000 Ukranian schools in Poland were taken over by the Polish government. Furthermore, Yugoslavia closed all Bulgarian schools within her borders as did Italy with the German Tyrol schools. (27) Even many so-called land reforms injured minorities to the advantage of the others; and usually government positions remained closed to minorities. (28) If the treaties providing equal constitutional rights to minorities had been enforced, the minorities problem and perhaps the boundary conflicts would have been gradually eliminated. The experience after World War I has certainly proved that self-determination of itself is of no avail and an impossibility; for without constitutional protection, conflicts of national interests cannot be avoided. The minority groups are so completely scattered throughout the continent that it would be out of the question to draw national boundaries around them. During the period in which the principle of self-determination was presumably triumphant, the League of Nations was helpless to enforce the adherence to the minorities protection treaties.

(26) Lewis L. Lorwin, Economic Consequences of the Second World War, New York: Random House, 1941. p. 309.

(27) Ibid., p. 310.

(28) Ibid., p. 311.

Since World War II the minorities problem has been considerably accentuated both by the growing threat of repression of democratic institutions in the parts of Europe where the problem is most intense and by the existence of millions of displaced persons who have yet to find a permanent home and a new fatherland. The overwhelming pressure of basic economic needs has placed in the background the problems of minorities, sometimes among those groups themselves and this pressure has prevented or postponed the settlement of displaced persons in the countries of their own choosing, thus feeding the tension at the same time. This is a human problem that cannot be met by any one country alone, but requires international cooperation of the highest order, a problem which Europe must meet squarely in the future.

One of the more recent major political problems of an international nature facing Europe has direct bearing upon the economic developments in each European nation; that problem pertains to the future of Germany. The Potsdam Agreement provided for the revival of an economically self-supporting Germany, but not for a highly productive economy. The reason for preventing Germany from reestablishing her economy at the same high productive level of pre-war years is the fear of rebuilding a new, aggressive Germany, equipped once again to threaten the peace of Europe. And yet, can the nations of Europe afford to restrict the German economic potential? Have we not already indicated Europe's desperate need for coal, steel, and iron which has kept her from progressing faster in her reconstruction and rehabilitation efforts? These are the supplies which Germany is best equipped to provide. There is thus revealed an inescapable paradox: German economic revival threatens European peace; German economic suppression threatens European prosperity.

In view of this dilemma, the French government has come forth with an

interesting proposal whereby the industrial heart of Germany and Europe, the Ruhr and the Rhineland, would be separated from Germany, the Rhineland to become an independent state subject to continuous Allied occupation but otherwise free to manage her own affairs - administration and economy. France would take possession of the Saar, the economy of which compliments hers. The Ruhr, on the otherhand, should be transformed into an international state, its coal mines, factories and 5,000,000 inhabitants subject to international political and economic control. A governing body would be appointed by the Great Powers, and the local administrative bodies elected by the people. The Ruhr mines would thereby become an international concern administered by an International Public Utilities Unit. Under such control there need be no restrictions on production and all of Europe could receive a fair share of the product.

(29)

At first consideration, one would be tempted to conclude that the French proposal may well hold the solution to the German political and European economic problem. But greater study into the basic economic problem indicates that there would be little chance for an efficient return to capacity production due to the division of the vital area into three separate administrative regions. To promote the highest degree of efficiency in this area's productivity, there must be integration of iron ore and coal production schedules as well as a carefully coordinated transportation system between the two areas. One of the dominant problems in connection with this industrial heart of Europe after World War I was the adjustment of an economic unit to partial political dissection with respect to the transfer of Lorraine to France. The problem of coordinating, as described

(29) Andre Ganem, "France, the Ruhr and the Rhineland", Rotarian, July, 1946. pp. 5-16.

(30)

above, postponed for a decade the achievement of highest productivity.

If the area should be further subdivided into as many as three political units independent of each other, it is difficult to foresee a complete return to the previously high productive levels. Yes, here indeed, is a tremendously vital problem affecting the welfare of the entire European continent - and even the whole world. It is purely international in nature and calls for the highest degree of international collaboration in its solution. Until the question is settled, Europe must continue to suffer.

The German problem is not the only political problem which must be closely linked to economic conditions in Europe. There is also the gradual integration of the economies and governments of the eastern European countries into the Soviet system. The increasing economic dependence has developed steadily into political dependence as well even to the point where the satellite countries feel compelled to follow a line dictated from Moscow in formulating their foreign policies. This partial sacrifice of national sovereignty need not be so alarming except that the effects upon the rest of Europe are far from beneficial. These effects follow a pattern of dividing Europe into eastern and western blocks, neither independent or self-supporting but each, rather, seeking aid from outside powers: eastern Europe from Russia and western Europe from the United States and Britain. The tendency for either group of countries to turn to each other grows progressively weak, and thus Europe breaks assunder just at the time when her future depends upon cooperation and understanding within her small area. The economic separation may soon be marked by distinct ideological differences, now increasing in intensity day by day.

If a formal and exclusive western block were formed now, as many pro-

pose or feel is inevitable, there will be certain mutual benefits enjoyed by all the participating countries without doubt; but the international tension and friction resulting from such action would certainly prevent any European nation or individual from enjoying any real material progress while not knowing "freedom from fear", as the Atlantic Charter determined to bring about. A solution to the problem is necessary, without doubt; but that solution in both political and economic spheres must have unifying rather than dividing tendencies if the future progress of Europe is to be desired.

Before closing this tragic list of problems confronting Europe today, the general morale of the European people must be considered. In the few small countries that have pulled through and have realized steady progress since V-E Day - such as the Netherlands, Belgium, Denmark, Norway - the morale is quite high. As a result of a high degree of cooperation and sacrifice these people have practically completed their reconstruction efforts, and work in the direction of thorough rehabilitation has been well underway. The democratic spirit applied to their work has kept their morale high, their outlook hopeful. They have weathered the storm and proven themselves.

But these fortunate, mature people are a small number of the great mass of Europeans who have yet to realize any satisfactory degree of success in their endeavors to rebuild a new world. Their hope has been gradually disappearing; they are continually groping for some new path of relief from their overpowering burdens; and their self-confidence and mutual trust seem to reach lower ebbs. The great majority of European people are searching for and need something new and vital to restore their self-respect and destroy their increasing selfishness and fear. Does not the answer to their depression lie in renewed democratic efforts and the re-establishment of dem-

ocratic institutions on firm foundations? Cannot the progressive, vital democracies of western Europe teach encouraging lessons to their neighbors by their examples? In view of the weight and tremendous scope of other problems affecting the welfare of these people, how can the much needed democratic institutions be established? That in itself is another problem for Europe to face and master.

All the challenges and problems which Europe must master seem to indicate one uniform method in their solution, namely continental cooperation. So many of those listed are directly the result of nationalism, pure and simple, whereby each nation, trying desperately to find security, pursues its own policies without regard for the effect upon neighbors, Europe or the world. In the past these nations had identified security with independence; and so today, they allow this illusion to determine their policies. Thus conditions are not alleviated but become further depressed. Thus Europe becomes increasingly dependent upon outside help satisfied (?) in the fact that such help was chosen and sought for independently! What a paradox! Europe gradually becomes a house divided against itself both economically and politically, the post-war dreams of its millions lost in the confusion.

Yes, cooperation and coordination of efforts on a continental scale is the answer. This is just another way of saying that unchecked competition and fear should be replaced by controlled cooperation and mutual aid. This cooperation must be strengthened and implemented by organizations of a political nature. Continuous cooperation on a voluntary basis is extremely difficult when the first spontaneous enthusiasm dies; cooperation among nations as well as individuals requires organization to support it and maintain it as a continuous reality.

Through such organized cooperation many of the problems of shortages

can diminish with the sharing and exchanging of surplus goods freely on a continental scale, thus broadening the basis of trade from a bilateral to a multilateral one. Political as well as economic integration would practically annihilate the problems of currency instability, national boundary conflicts and fears of aggression, powerless or vacillating governments, disturbing economic recovery, and the major question concerning German economic revival once the fear and possibility of political aggression were destroyed. The revival and progress of democratic institutions could be insured if the political integration were developed upon democratic foundations, including a continental Bill of Rights and guarantee of representative government. Thus the problem of minorities and restrictions upon their freedom could be eliminated.

The proposal for continental cooperation through economic and political coordination and integration requires considerably more exploration. The following chapter, therefore, will be devoted to the justification of this suggested solution to the bulk of European problems. The ramifications of such a proposed solution are so tremendous - for they lead directly to the formation of a United States of Europe - that the functions of any agencies of coordination must be thoroughly justified and the authorization of history revealed.

CHAPTER III.

JUSTIFICATION FOR ECONOMIC AND POLITICAL INTEGRATION

When searching for historical authorization and practical evidence of the value and advantages of economic integration - if not political - one need only turn to the example of the United States of America. The United States is today the most economically powerful nation in the world. This is partly due to the wealth of natural resources and numerous geographical advantages favoring transportation and economic distribution of goods; but these natural advantages have been employed to the utmost and proved valuable because of the fact that the continental United States, from the Atlantic to the Pacific Ocean across 3,000 miles of territory, has been one economic unit for over 170 years.

If the boundaries of every new state in the union were employed as economic barriers there would have been little opportunity for the United States to develop her powerful economy. The industrial heart of America centers in western Pennsylvania and covers bordering states with numerous state boundaries cutting across the area. Because these boundaries have had no economic significance, the area has developed as an economic unit, effectively coordinating iron, coal and steel production. One dreads to imagine the harmful effects of a number of trade barriers within this region.

That is the disease, however, that is affecting all of Europe today as a result of centuries of development. The continental area is rich with natural resources of a varied nature, but the formation within this productive area of dozens of independent economic units each competing with the other, has wasted or limited the development of Europe's economic potentialities. Those nations located in the least productive sections have been

forced to suffer greater hardships than necessary because of the barriers built around them. This is generally true of eastern European countries who have suffered and will continue to do so without a free flow of goods and information from their more wealthy neighbors. The poorer nations, creating problem areas, have injured the general economic development of Europe.

The institution of dozens of independent currencies has enhanced the restrictive effect of national boundaries along with such administrative devices as tariffs and customs. The problem of exchange ratios and balances of trade enter into the economic activities covering, in some instances, only a few hundred square miles and are maintained on a completely artificial and uneconomic basis, injuring the countries they are intended to help. It is therefore difficult to imagine the tremendous economic growth in store for Europe if she should follow the example of the United States by removing the economic implications of political boundaries and amalgamating scientifically her multitude of currencies into one.

The fallacy in European thinking and national policies lies in the belief in the necessity of maintaining superficially independent economies in order to maintain political and cultural independence. The resulting imposition of restrictions upon imports and exports of goods, services and capital and the maintenance of separate currencies have prevented each nation from developing into the powerful and independent economic units they yearn to be. As a result of attempting for centuries to establish complete control over artificially isolated economic activities, these nations have discovered after two devastating wars (resulting to a large degree from the creation of these artificial barriers) that they have become almost completely dependent upon other powers for economic aid. Not one of these European nations is in a position to help itself. Thus emerges

a paradox.

The European countries are purposely subordinating themselves to outside powers and turning their backs upon each other - except for temporary and limited exchange of goods - hoping at some future date to be in a favorable competitive position with those neighbors and ^{thus} postpone indefinitely the possible economic recovery and growth of all of Europe.. through open cooperation and unlimited exchange of needed supplies. The United States government has now realized the impossibility of scientifically helping Europe through financial loans as long as each country insists upon independently and exclusively managing its own economy. Thus the Marshall Plan has developed with the purpose of weakening the false economic barriers within Europe and thus emphasizing the fallacy of Europe's attempts to remain divided for economic and political gain. Unless these countries attempt to unify their efforts to some degree, they will be considered such poor economic risks that they will completely sacrifice even the minimum of independence which they seek.

~~Three~~ alert little nations in western Europe have begun to recognize the dangers resulting from the adoption of purely nationalistic economic policies and have formed a three-way customs union. These countries are Belgium, Luxemburg and Netherlands. The increased trade, mutual aid and cooperation and even new understanding resulting from the functioning of this customs union has already become apparent. Its success may have had considerable influence upon the United States policy makers who could see how greater cooperation on a continental basis could enable all of Europe to help save herself.

As the European nations continue to depend solely upon the aid of the United States, Great Britain and Russia, without seeking other alternatives, they will become increasingly dependent upon the economic conditions

within these countries. If a depression should suddenly hit anyone of these nations, Europe would be powerless to help herself and would therefore be more harmfully affected than the nations suffering the relapse. This complete dependence on economic and political conditions far beyond her control is an extremely unhealthy and dangerous condition for Europe and the world. Furthermore, it is obvious that as long as Europe remains an unproductive area, the stronger economies of the world must eventually suffer and general recovery^{be} prevented. Certainly the European nations have begun to foresee the dire consequences of their increasing dependence upon the outside world by entering into the temporary barter trade agreements amongst each other as mentioned before. As of December, 1946, over 100 such agreements had been negotiated as a defence mechanism against the fear of a possible slump in the United States which at present supplies one third (1) of the world's exports and absorbs nearly 25% of the world's imports. Perhaps these limited bilateral trade agreements indicate also a gradual awakening on the part of European nations and their slow recognition of the real answer to their problems. These uncoordinated agreements are far from adequate, however, as they are based simply upon nationalistic motives.

Limited cooperation is not enough. Europe's economic disease requires coordinated cooperation, or the integration of a multitude of independent economies into one. Basic economic problems will remain as long as each nation retains its power to institute trade barriers or as long as cooperation depends upon the continual adjustment of a number of currency systems. Although multi-lateral trade agreements amongst European countries^{would be}, a highly significant step in the right direction, they could not in themselves produce the economic

(1) "Europe Fear U.S. Slump", Business Week, December 14, 1946. pp. 113-114.

prosperity each nation is seeking. The most economically advantageous exchange of supplies can be arranged only through central coordination where free trade does not exist. Furthermore, the freedom of choice in multi-lateral trading must be limited by the continual consideration of exchange ratios. Thus balances of trade must be maintained even in those instances where they place artificial limits on the quantity and quality of goods exchanged. Under present currency controls in Europe, for instance, it would be impossible for one country to import from another without exporting in return, and vice versa, even though each country could benefit most thereby from a supply point of view. Another undesirable feature of trading agreements is the continuing possibility of abrogation by any one of the signatory parties. Halfway measures cannot solve Europe's problems today. The befuddled and broken-down continent requires complete over-hauling and thorough integration into one coordinated economic unit.

The principle of centralized coordination is well known to the European countries; in fact, it has become a powerful instrument in their national policies. Each European nation, whether of the democratic representative type or totalitarian or communist, has been employing economic coordinating powers of tremendous magnitude. Those countries which have recovered at the greatest speed owe their success to the effective democratic coordinating powers of their governments; and it naturally follows that the least progress has been made where no unified governmental effort has been made - Greece being the outstanding example. The days of "laissez-faire" have long sunk behind the European horizon, and every European is fully aware of this fact. Having accepted and efficiently demonstrated national economic coordination, their next logical step is to recognize and prove the value of continental coordination. Perhaps the coal shortage, which so clearly manifests the continental aspect of Europe's economic problem, may be the necessary

impetus in taking this step.

Assuming that a policy of economic integration on a continental scale is essential, must we not also conclude that political integration is essential for carrying it into effect? If Europe must be transformed into one economic unit, does not this also call for the formation of a single political unit as well? How can the erroneous economic implications of political boundaries be destroyed without some sacrifice of national sovereignty? Furthermore, how can a multitude of miscellaneous currencies be amalgamated into one without some central political agency authorized to carry out this task and regulate the new currency? The answers to these questions lead to the same conclusion: economic integration for Europe is not possible without political integration. In other words, the formation of a continental government is essential. Let us turn once again to historic experience and example to prove the verity of this conclusion.

Having referred to the United States of America earlier in this chapter to indicate by contrast Europe's need for economic integration, it seems proper to refer once again to this time tested experiment for the necessary evidence with respect to political integration. As a federation, the United States is one economic and political unit composed of many political units. The political sub-divisions are prevented from becoming economic divisions through the delegation of definite powers to the federal government, one of the most important being the power to prevent restrictions upon interstate commerce. If the economic unity of the United States were not protected by national powers of legislation and law enforcement, there would be nothing to prevent each state from setting up its own rules for commerce and establishing trade barriers. Similarly, the national government has been given the sole power by the United States constitution to coin money and auxiliary

power to prevent any state from setting up its own system of currency.

A national currency could not be maintained without the existence of a national government with the necessary political powers. The two mentioned politically implemented economic powers of the federal government have prevented the United States from being broken up into many economic units.

We can also refer to historic examples of the negative kind by indicating the failure of many international organizations to successfully carry out certain economic or political functions due to the fact that they were not granted appropriate political powers. One could list practically every international economic commission or public union as examples including the famous International Labor Organization. The International Sugar Commission has been the only one to be given power to restrain a member nation from passing a law calling for import duties on sugar exceeding those agreed (2) upon by the Commission. Other commissions dealing with innumerable economic matters usually had only fact finding or advisory powers, each member nation retaining its right to determine national policy as her government sees fit. Considerable thought and time had been spent, however, when these commissions were organized, in planning their superstructures; but bare political structures without concomitant political powers could hardly be effective.

The League of Nations is another example of the powerlessness of an organization, formed for the purpose of maintaining peace and international cooperation, without independent powers, but completely dependent upon the fluctuating decisions of member nations whom it was designed to control. The League differed from the public unions in that its superstructure was entirely inadequate in enabling the League to carry out the limited powers for meeting the many problems with which it had to deal. All of these

(2) Paul S. Reinsch, Public International Unions, Boston: Gunn and Co., 1911.

international organizations reflect good intentions among nations but little else.

Another historic example of the negative kind which has direct bearing upon the subject at hand is the experience of the League of Nation's Commission of Enquiry for European Union. This Commission was composed of all European members of the League and its principle function was to investigate the possibilities and take preliminary steps in setting up a European Union as proposed by Aristide Briand in a speech to the League Assembly in September, 1929. Several powerful member nations opposed such a union from the beginning and exerted strong influence to prevent the Commission from carrying out its principle task and from even discussing the problem of European union. The attention of the Commission was drawn instead to general economic problems affecting Europe where it was powerless to ameliorate the dire economic conditions its sub-committees reported. After spending over a year accumulating extraneous reports, carrying on meetings to discuss subjects other than the one for which it had been set up, the Commission dissolved leaving only an International Mortgage Credit Company as any evidence of its existence. (3) Because this Commission was authorized no specific powers independent of the determinations of the League members, the powerful members opposed to its purpose, quietly destroyed it. Lewis Lorwin describes the tragedy of the Commission in the following effective phrases:

"It was in the reports, memoranda, disputes and bickerings of these committees (of the Commission) that M. Briand's United States of Europe was quietly smothered, strangled and laid to rest in the ancient burial grounds, the headstones of which are dossiers and filing cabinets. By the end of 1932, Briand's plan had

(3) "European Union and the League of Nations", Geneva Special Studies, Vol. II - No. 6, June 1931.

collapsed for all practical purposes." (4)
 (Words in parentheses added.)

We must conclude, therefore, that economic policies require specific political implementation which in turn calls for both organization and power. In meeting the present European need for economic integration, it is essential that a political organization be established with fore-ordained economic powers which can be enforced independently of the European nations themselves. The nature and extent of these powers must be determined by the nations themselves, but once so determined, the proper political organs must be set up for the maintenance and enforcement of such powers even against the member nations if necessary. This means the sacrifice of national sovereignty in some respects, but for a purpose which will, in the end, rebuild each nation. If extreme economic centralization is agreed upon by the European nations, then an extremely centralized political structure will be required; on the other hand, if the desire of these nations is simply ^{to} remove internal trade restrictions and establish a uniform currency, a political structure limited in general to these economic powers can be established and a strongly centralized continental organization would be unnecessary.

As a matter of fact, the latter was the intent of the founding fathers of the United States in writing their famous constitution. Through the application of the necessary "implied powers", however, the Federal government gradually extended its powers, basing many of its new controls upon its specific power to control and regulate interstate commerce. The United States Constitution had proved itself flexible enough to transform an originally limited federal government into one that is now highly centralized. Whether the European nations desire a weak or strong continental control of economic

(4) Lorwin, op.cit., pp. 292-293.

affairs, it is imperative that appropriate political powers be granted the new continental organization to enforce the basic powers granted. The main issue is not so much whether a new continental organization is highly centralized or not, for if it has the minimum powers to control interstate commerce and coin money exclusively, these powers in themselves will have a revolutionary coordinating effect upon European economic activity. Flexibility of powers within defined limits is the objective to be achieved, and the American constitution may well prove to be an excellent guide in this respect.

The above arguments concerning Europe's need for economic and political integration bear out many political theories on the fundamental nature of government. In concluding this chapter which pleads for a revolutionary political change, it is well to pause a moment to establish, if possible, a relationship between any new proposals and age old, well proven theories which have been acclaimed for generations as sound political arguments and, in fact, have revealed their value in many dynamic governments of today which were brought into being as a result of the powerful influence of these theories. We shall refer to those theories which had either directly or indirectly influenced the formation of democratic governments in England, United States, France, other European democracies and even the British Dominions. These are the theories of Plato, Aristotle, John Locke, and Jean Jacques Rousseau.

One of the arguments that has been presented in favor of the establishment of a formal organization to effect European economic integration has been that such a step is necessary in order to maintain permanently such integration and prevent the European nations from acting independently on specific matters. It was argued that no matter how spontaneous and earnest is

the desire on the part of these nations to cooperate, such enthusiasm cannot be maintained on a purely voluntary basis for it would be too susceptible to any change in events affecting any one country. If we turn to Plato, we can find a highly plausible explanation of this weakness and a scientific remedy.

In Plato's Republic it can be recalled that the protagonist, Socrates, uses the example of the state as a final test in searching for a definition of justice, for the state could be considered an individual magnified and thus an easier object of study. Socrates states:

"Possibly, then, we may find justice there in larger proportions, easier to make out." (5)

A state, Socrates points out, is composed of three major classes of people: the philosophers, intelligentsia, or guardians, the soldiers or auxiliary, and the workers, tradesmen. Each must have a distinct and independent function within the state: the intelligentsia to determine law and policies, the soldiers to protect and enforce the law, and the workers to fulfill the state's economic needs. So is it with the individual whose capabilities are used to serve either his economic needs, his animalistic inclinations or his reason and morality. After effectively setting forth an analogy with the state and so proving that individuals who permit either their economic needs, their animalistic or pugnacious instincts to dominate must eventually sacrifice joy and security, Socrates concluded that the individual governed by his reason and sense of morality is the most successful and happy. By the domination of morality over the animalistic and economic desires of men with the proper function of each of the latter in subordination to reason can true justice be manifested. The following analysis of the state was the basis of this

(5) Plato, "The Republic", in The Republic of Plato, translated by F.M. Cornford. New York: Oxford University Press, 1945. p. 55.

conclusion: no state can long survive and prosper if governed by the soldier class only or the uneducated workers, either by force of arms or economic greed; a strong and durable state must be ruled by the educated and reasoning class in order that its foundation be secure and justice reign. Both the fighting and working classes must be kept continually in a position subordinate the rule of the "philosopher kings". Socrates had then proceeded to describe such a republic in detail when ruled by the philosopher kings logically testing his definition of justice. As applied to political organization that definition would read as follows:

"---when each order - the tradesman, Auxiliary, Guardian - keeps to its own proper business in the commonwealth and does its own work, that is justice and what makes a just society." (6)

One can easily perceive the relationship between Plato's analysis of a sound government and the justification for the need of law to enforce cooperation in Europe. This over-all law is needed to curb the tendency of component political units to rebel or permit lesser interests to govern. The rule of law is instituted for their own benefit, for by permitting the fear for military security (and perhaps national sovereignty) or the demand for economic independence to govern their actions rather than the principles of order and cooperation (or morality), these nations also cannot long endure. A political organization for Europe can certainly find support in the universal logic of Plato.

Aristotle, in his famous Treatise on Government echoed Plato's conclusions concerning the necessity for the rule of law but differed from Plato in his advocacy of the method by which such law should be ad-

(6) Ibid., p. 129.

ministered: rather than a dictatorial government by Philosopher Kings, Aristotle favored representative government, the leaders governing for the good of the governed. This government would combine the best features of oligarchy and democracy confining suffrage and responsibility to those educated enough to carry out the important task of government. He too arrived at his conclusions through the process of elimination showing how the unchecked dictatorship of one man would subject the well-being of the people to his whims and fancies, and an oligarchy or aristocracy, in which a select number of wealthy men govern, would result in the subjection of the community to the selfish ends of the few; furthermore, a pure democracy in which all the people had a direct voice in government would permit ignorance and clashing interests to destroy government and law. Thus orderly, representative rule under law by those educated to understand the needs of the state and the welfare of its people should be established in the free state. Indeed Aristotle also emphasized the need for the rule of law over passions in the free state when he wrote as follows:

"---where the government is not in the laws, then there is no free state, for the law ought to be supreme over all things---." (7)

The contribution of Aristotle must be kept in mind when we next analyze the nature of federalism which so closely conforms to his "free state", for the federal principle must be the foundation of a United States of Europe.

When we turn to John Locke we must refer to the theory of natural law and individual rights which had such a powerful influence upon the founders of the American republic, and can have a direct bearing upon the present problem facing Europe. In his political theory, Locke carries his analysis

(7) Aristotle, A Treatise on Government, translated by William Ellis, Everyman's Library, New York: J.M.Dent & Sons, Ltd, 1919. p. 116.

back to the imagined state of nature, the original state of men. He shows by logical argument how the state of lawless confusion, leading men into conflicts with each other, was transformed through their voluntary abdication of executive powers into a government based on the concept of individual freedom and rights limited only in so far as such freedom would lead to the aggressive interference of another's free exercise of equal rights. (8) Inasmuch as this "social contract", as Rousseau later called it, was a community enterprise in which every man had equal rights, it must be only consistent with the law of nature, argues Locke, that the maintenance of this contract be in the charge of the community as a whole. He states in his Treatise of Civil Government,

"Wherever, therefore, any number of men so unite into one society, as to quit every one his executive power of the law of nature, and to resign it to the public, there and there only, is a political, or civil society. ----For hereby he authorizes the society, or, which is one, the legislative thereof, to make laws for him, as the public good of the society shall require." (9)

Thus he pleaded for democratic representative government for the perpetuation of the law of nature thus modified with one significant proviso, namely, the right of revolution. When the fundamental law of nature providing individual freedom as defined above is broken by the government, this is tantamount to the breaking of the voluntary contract, and those injured by such action have the right to revolt against the government and set up a new one adhering to the original law.

That is basically what the European people must do, just as the Americans and Frenchmen had done in the past: they must revolt (although

(8) Francis W. Coker, Recent Political Thought, New York: D. Appleton-Century Co., Inc., 1934. p. 12.

(9) John Locke, Treatise of Civil Government, New York: D. Appleton-Century Company, Inc., 1937. p. 57.

such revolt need not be physically violent) against the obsolete system of European nationalism which is limiting their physical, economic and even intellectual freedom, and destroy the confusion and conflict resulting from the failure to provide for their welfare. They could then establish a new and greater civil government which will expand their freedom beyond comprehension. It is true that these national systems at one time corresponded to Locke's "law of nature" by introducing to the people new rights and freedoms before unimagined; however, these independent systems have long outlived their usefulness as two ruinous wars have proved, and the right of revolution, albeit peaceful, must come into play. Europe needs a new "social contract" and the European people alone can form it.

The ideas of the other great theorist, Jean Jacques Rousseau, must also be mentioned in order that the new European organization, for which there is such great need, can be established on firm foundations. Rousseau's great contribution to political thought was his emphasis upon the "general will" as the determining factor in the policies of government, government created through the "social contract". In his famous essay called The Social Contract, we find the following emphatic statement which is the basis of his theory:

"Sovereignty, being nothing less than the exercise of the general will, can never be alienated, and the Sovereign, who is no less than a collective being, cannot be represented except by himself." (10)

This general will, which no government should violate, need not be determined through direct democratic processes only. Successful administration requires that the government be composed of individuals of such great intelligence and wisdom that they can constantly relate their actions and

(10) Jean-Jacques Rousseau, "The Social Contract", in The Living Thoughts of Rousseau, presented by Romain Rolland. New York: Longmans Green & Co., 1939. p. 65.

policies to the general will. The philosopher states his requirements as follows:

"---the wisest should govern the many, when it is assured that they will govern for its profit." (11)

Rousseau favored small governments in order that the general will can be expressed most articulately and direct democracy could be effective. In the problem at hand, Rousseau's theory as well as the others already mentioned can have a direct bearing. Its logic points to the fact that governments of large territories cannot easily respond to the needs and demands of the people because of the difficulty in clearly registering their desires. To be consistent with his theory, which every democratic thinking person must respect, this continental organization which is being proposed must be broken down into smaller political units in order that the popular will can be determined. These political units, however, cannot remain independent of each other or remain in conflict if the rights and freedom of the people which Locke cherishes to such a high degree are to be most effectively preserved. Is not European federal government the answer? Cannot a federal government combine the best points in the arguments of all the political theorists mentioned? Its unifying and expansive effects without doubt manifests the social contract of Locke, and its division into smaller, cohesive political units adheres to Rousseau's requirements for a government to be in a position to reflect the popular will.

At the same time a European federation corresponds to the requirements of Plato and Aristotle in that the very existence of such a government on a continental scale will establish the rule of law where military and economic conflicts dominated before; and such law must be well defined by reason of

(11) Ibid., p. 72.

the fact that a division of responsibility is necessary between the federal government and its component parts. Furthermore, the theory of Aristotle carefully outlines to us the kind of government which must be set up to insure its effectiveness and endurance - namely a representative government of responsible citizenry. In other words, the component political units in the federation must have representative governments in order that the federal government itself can be truly representative.

Thus we can see how closely a European federation corresponds to the powerful political theories of Plato, Aristotle, Locke and Rousseau, theories which have determined the destinies of men and nations. On the basis of these logical arguments a European federation cannot be considered an idle dream or illusion, but a system backed by historical experience and political law. We can feel perfectly free now to turn to the next task at hand, namely the task of defining the desirable structure for a United States of Europe which must rest upon foundations corresponding to the fundamentals of effective federalism.

CHAPTER IV.

THE POLITICAL STRUCTURE OF A UNITED STATES
OF EUROPE

Our study has revealed three basic requirements which must be met by the desired European political organization. First, in view of the fact that one of the basic functions of this organization is to be that of bringing about economic integration for Europe, it is essential that the central organ be granted sufficient coordinating and enforcing powers for this purpose. Secondly, the powerful nationalism which has provoked the need for a new organization cannot be ignored but must be recognized as a potent political factor and given its proper place in the new organization. It is therefore necessary to effect a division of powers between the central continental organ and its national components; thus a federal form of government is called for. And thirdly, the international and national aspects of the problem cannot be allowed to overshadow the importance of the place of the individual in the realignment of powers. A continental Bill of Rights is an absolute necessity for the preservation and improvement of democratic institutions within Europe and the establishment of a sound basis for government. Furthermore, a democratic form of government should be considered a requirement for both the central organization and its component national parts. With these requirements in mind, we can proceed to explore the basic structure of the new federation.

In view of the above requirements it must be concluded immediately that a confederation for Europe will not meet her needs. While it may prove to be desirable to limit the powers of the central government, such limitation cannot afford to be as sharp as a confederation would demand. One

need only review the experience of the early American republic under the Articles of Confederation to recognize the inadequacy of such a form of government. Because the policies of the national government were completely dependent upon the decisions of the state governments' representatives, the problems the new government had been designed to meet were actually enhanced.⁽¹⁾ Just as the Americans found it necessary to organize a federal union as a result of the weakness and ineffectiveness of confederation, the Swiss, in their political evolution, went through the same experience and in 1848 transformed limited defensive leagues of cantons into the enduring Swiss federation which remains in power today.⁽²⁾ We cannot label Europe's need for central coordination, therefore, as a need for a confederation only for as long as complete sovereignty rests with the states, the central government must remain essentially powerless. A federation, involving a clear cut division of powers - or sovereignty - between the union and its national divisions is the answer to Europe's needs.

PART I.

THE FUNDAMENTALS OF FEDERALISM AND THEIR APPLICATION TO EUROPE

Before developing the desired political structure of a European federation, let us examine the fundamental nature of federalism in order to build the structure on stable foundations and insure the employment of proper political instruments.

One of the fundamental characteristics of federalism is its complete

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- (1) Harrop Freeman and Theodore Paullin, Coercion of States in Federal Unions, Philadelphia: The Pacifist Research Bureau, 1943. pp. 6-7.
- (2) Robert C. Brooks, Government and Politics of Switzerland, Yonkers-on-Hudson, New York: World Book Company, 1918. pp. 42-44.

dependence upon law - a basic, written law - that feature of government upon which Plato and Aristotle had laid such great emphasis. In a federation, however, this law cannot be dictatorial (as Plato had further reasoned because of the existence of conditions quite different from those of the present under discussion), but a democratic law is required. H. R. G. Greaves, in his book Federal Union in Practice, brings out this point very clearly as follows:

"It is clear too that federalism is essentially a democratic phenomenon, or at least that it is incompatible with dictatorial forms of government. For it requires that the various authorities, and even the most powerful and important, shall be ready to submit to principles of law which they cannot themselves alone determine. There is thus a very real sense in which the rule of law rather than persons is a necessary feature of federalism." (3)

This rule of law in federations is what is known as constitutional supremacy. Dr. Harold W. Stoke effectively amplifies this concept as follows:

"All powers exercised in a federation are derived from one source, the constitution. The constitution is the foundation which underlies the entire governmental structure. It is a tangible expression of sovereignty, which creates the instruments by which government is carried on and which grants, denies or limits their powers. --- Every federal government specifically affirms the superiority of the constitution to all other laws and instruments of government. In the United States it is an accepted rule of law never successfully controverted." (4)

This conclusion as to the constitutional nature of the federal state leads to another definite qualification as described by Dr. Stoke:

"---it is necessary that the constitution be definite. Where grants and limits of power must be outlined with the greatest possible exactness, as they must be in a federal government, the indefinite constitution could never succeed. The organs of government not only derive their existence, but all their

(3) H.R.G. Greaves, Federal Union in Practice, London: George Allen & Unwin, Ltd., 1940. p. 121.

(4) Harold W. Stoke, The Foreign Relations of the Federal State, Baltimore: The Johns Hopkins Press, 1931. pp.5-6.

authority as well, from the constitution; and therefore, to eliminate conflicts between national and State governments, and to permit them confidently to exercise their powers to the fullest extent, the nature and limits of those powers must be clearly and definitely stated." (5)

The importance of a written and definite constitution with specific reference to the European problem cannot be overemphasized. Not only can the basic law serve as authorization to the central government in the expression of its supervisory powers, but it can clearly define the degree of freedom allotted to the national members on an equal basis whereby no one nation or state can assume a greater degree of power than another. In other words, a definite constitution can protect the smallest as well as the greatest units in the federation, thus fulfilling one of Europe's greatest needs. Sir Frederick Whyte, in his analysis of federations, clearly brings forth this significant feature of a definite and rigid constitution in the federal system:

"Where, --- the existence of distinct groups, each desiring some control of its own affairs, is fully perceived and duly admitted as a factor in the condition of the community, and where it is desired to give legal recognition to the fact, and to protect the other local groups or sub-communities from being overridden by the largest among the groups, or by the community as a whole, the creation of a Rigid Constitution offers a valuable means of securing these objects. For such a constitution may be so drawn as to place the local groups under the protection of a fixed body of law, making their privileges an integral part of the frame of government, so that the whole constitution must stand or fall with the maintenance of the rights enjoyed by the groups." (6)

The above analysis of the significance of a definite, written constitution in a federal system has indicated the necessity of a division of powers between the various political units. A distinct and basic division

(5) Ibid., pp. 7-8.

(6) Sir Frederick Whyte, K.C.S.I., India, a Federation? Survey of Federal Constitutions, Government of India Publication. p. 261.

division of power between the central government and the state governments is a second important feature of a federation which distinguishes it from other forms of government. The success of the federal system is largely dependent upon the balance between these divisions of power. In amplification of this principle Dr. Stoke explains:

" A division of powers between a local and a central government, if it is to mean anything, must provide for the independent operation of these agents in the spheres created for them. In other words, --- the states are as independent in the exercise of their authority as is the central government in the enjoyment of its power." (7)

Another aspect of the division of power in a federation other than that of complete independence within defined spheres of jurisdiction is brought out by Sir J.A.R. Marriott in his analysis of federalism entitled, Federalism and the Problem of the Small State, in which he states:

"There can be no federation unless the component States are prepared to surrender some portion of their 'Sovereignty'; plainly this involves, also, a dual allegiance on the part of all citizens. Powers, then, must necessarily be divided between the central and local governments. On one side or the other, these powers must be enumerated, and the residue of powers vested either - in the states or - in the Federal Government." (8)

Bearing in mind these two fundamental characteristics of federalism, namely the necessity for a written and definite constitution and for a distinct division of independent powers between central and local governments, we are ready now to tackle the problem of outlining a political structure for the United States of Europe. Our first task must be, however, to apply the fundamentals of federalism to the special situation in which Europe finds herself and determine in what manner they should be adapted to

(7) Stoke, op.cit., p. 19.

(8) Sir J.A.R. Marriott, Federalism and the Problem of the Small State, London: George Allen & Unwin Ltd., 1943. p. 100.

a United States of Europe.

The wisest method to follow in determining the specific application of fundamentals to a European government is to use as guides those federations now in existence which have had backgrounds and problems to face similar to the conditions now existing in Europe and yet have withstood the test of time. The two federations which most clearly meet these requirements are the United States of America and the federation of Switzerland; and yet, the structures of each differ markedly. The United States federal government is built upon a rigid structure of checks and balances, carefully planned by the American founding fathers, while the Swiss government centers around a dominant legislative body. Both governments, however, reflect the desire of their founders to limit the powers of the central authority of the federation by leaving with the states or cantons all powers not specifically assigned to the federal government. There is little doubt that the European nations after finally deciding to sacrifice even a degree of their long jealously guarded sovereignty will be eager also to limit the powers of the new formed government. The Swiss and American experiences have proved such limitations can be instituted successfully, without destroying the basic value and functions of the federal system.

The question we must now decide, however, is which of these two different systems is best adapted to Europe. First, should the European federal government contain a system of checks and balances similar to that of the United States? In studying the intentions of the writers of the United States constitution as revealed through their Federalist papers we find that their main concern in setting up a rigid system of checks and balances was to create a government which could control itself. In the Federalist paper No. 51 we find the following statement:

"In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions." (9)

An earlier statement made in The Federalist No. 48 explains the fear behind the desire for governmental self-control and "auxiliary precautions".

In No. 48 we find this provoking statement:

"One hundred and seventy three despots would surely be as oppressive as one." (10)

There must therefore be a distinct division of powers between the various branches of the government, and, they concluded, this division can be maintained only by a system of checks and balances. Here are James Madison's words again from the same paper:

"---unless these departments be so far connected and blended as to give to each a constitutional control over the others, the degree of separation which the maxim requires, as essential to free government, can never in practice be duly maintained." (11)

Thus the United States constitution provides for the executive to control the legislature through his veto power and to control the judiciary through the power of appointment; the legislature to control the executive through its power to appropriate money and approve federal appointments and treaties arranged by the executive; and the judiciary to control each branch through its power to interpret the constitutional and federal laws.

Subsequent experience in the functioning of the constitution and the federal government has revealed at least three highly significant de-

(9) Alexander Hamilton or James Madison, The Federalist, No. LI, from The New York Packet, Friday, February 8, 1788.

(10) James Madison, "The Federalist," No. XLVIII, The New York Packet, Friday, February 1, 1788.

(11) Ibid.

velopments which the writers of the Federalist papers had not foreseen, factors which cause one to question the logic or rightness of the above quoted conclusions. In the first place, the power of "judicial review" later assumed by the Supreme Court had not been clearly envisioned by the founding fathers and remained for Chief Justice John Marshall to expound. "Judicial review" has proved to be more effective than any other constitutional provision in preserving the supremacy of the constitution and the distinct division of powers between the branches of the government. Secondly, the emergence of powerful political parties and the party system had not been anticipated by the Federalists; in fact, it had been their desire to prevent "factions" from controlling the government. The resulting control of parties, however, has led to some tragic impasses between the executive when representing one party and the legislature when dominated by another throughout the political history of the United States. The most noted of such impasses occurred at the time of one of the worst depressions the world has known when immediate emergency federal measures were required, namely after the 1929 "crash". The third development which distorts the power of the Federalists' logic is the check upon the executive treaty making power by one third plus one of the total membership of the upper house of the legislature - the Senate. The tragedy in connection with President Wilson's efforts to bring about the United States participation in the League of Nations indicates the stifling effects of this aspect of the checks and balances system. The power of two-thirds of the United States Senate to control the foreign relations of the government remains one of America's major problems in the maintenance of friendly relations with other nations, for foreign ambassadors, while turning their ears to the conciliatory overtures of the executive, keep their eyes fixed upon

the activities in the Senate where the important features of foreign policy must be finally determined.

The first development, namely "judicial Review", causes one to question the need for further checks and balances in the maintenance of distinct divisions of functions among the governmental branches; and the last two developments produce a doubt as to whether the United States system of checks and balances is as beneficial to the government as it has proved harmful at times.

Before answering the question whether or not the European government should adopt the American system of checks and balances, let us turn to a summary of the Swiss federal system which can be described in a few words. Legislative predominance is the outstanding feature of the Swiss central government. The legislature has the power of appointing the members of both the plural executive and the judiciary for terms defined by the federal constitution. Its law making powers are not enumerated in as careful detail as those of the United States legislature, for all subjects not allocated to the executive and judicial branches are included under legislative powers. Chapter II, Article 71 of the Swiss constitution reads in part as follows:

"---with the reservation of the rights of the people and of the cantons the supreme authority of the Federation shall be exercised by the Federal Assembly."

The breadth of powers of the Federal Assembly is indicated by Article 84 of the same Chapter which reads in part: that the two houses of the legislature

"shall consider all the subjects which the present constitution places within the competence of the federation and which are not assigned to any other federal authority."

We are thus faced with two extremes in governmental organization

both of which have been tried and proven acceptable. The feature in common with both systems is that the powers of the federal government are limited in general by the placing of greater if not the greatest amount of control with the legislature, the one branch directly related to the local units of the federations. We can therefore come to one important conclusion which has direct bearing on the problem at hand, namely, that the European federal government should be provided with a strong legislature. Inasmuch as the Swiss system has proved so effective in spite of the fact that it flatly denies a system of checks and balances, we can afford to answer our original question by concluding ^{further} that a modified system of checks and balances should be applied to the European government bearing in mind both the advantages and limitations of the American system. In view of the facts presented, the logical decision would be to attempt to find an area of agreement whereby the best features in both the Swiss and American systems can possibly be amalgamated.

Is it not possible, for instance, to have a well defined division of powers between the various branches of government (a desirable feature of the United States government) without the stifling effect of checks and balances? Furthermore, is it not possible also to create a dominant legislature and yet one limited by provisions in the constitution? The answer in this writer's estimation can be an emphatic "yes", if one other very important feature of the United States government is maintained, namely the right of "judicial review" by a Supreme Court empowered to declare void any legislation which is not in accordance with the provisions of the constitution.

Let us therefore proceed to combine these features of the two constitutions causing the structure of the federal government to emerge somewhat

as follows. A representative legislative body would be granted specific legislative and appointive powers according to the American system, including the power to appoint members of the executive and judicial branches as the Swiss system provides. Each of the latter two branches would also be granted specific terms of office and distinct powers in conjunction with the legislative powers, none of the powers changeable except by amendment to the constitution - again, the American system. One of the powers to be specifically granted the federal judiciary is the creation of a supreme court of appeal with power to pass upon the constitutionality of any law in the union. Thus emerges a new political structure closely following the fundamental provisions of federalism and combining the best features of the two existing federal systems most adaptable to European conditions.

Let us proceed to examine further the relationships and structures of the three departments of the federal government, the legislature, executive and the judiciary in the light of European conditions and indicate further how this compromise eliminates the harmful effects of the United States checks and balances system while fulfilling the actual purpose of the system, and, at the same time, reflects the harmonious effects of legislative control in the Swiss system.

In determining the structure of the legislature we must first conclude that it will be bicameral - bicameralism being an important feature of federalism. A review of the debates in the United States constitutional convention concerning the structure of the legislature should leave little doubt as to the value of a two house system, the members of each chosen on a different electoral basis for different terms. Indeed the situation of large states versus small states which existed at that time exists in Europe today and is an important factor to be considered. As the Swiss

followed the American example in this respect, it would be folly to consider any other alternative for Europe, particularly in view of the marked similarity of conditions. Thus, our bicameral legislature must contain an upper house with a fixed number of members apportioned by states, and a lower house of representatives apportioned on the basis of population with terms of office and basic qualifications fixed by the constitution.

There are two basic differences between the United States and Swiss legislatures which must be taken into consideration. While the United States constitution fixes the qualifications and terms of office of the Senators in the upper house, the Swiss constitution leaves all such matters up to the discretion of the cantons stipulating only that each whole canton send two delegates and each half canton, one. The second marked difference is the lack of any division of functions between the two houses in Switzerland, and the existence of very important distinctions in the United States. In Switzerland, all legislation is carried by a majority vote in each house meeting separately while appointments for the other two federal branches are made by majority vote in joint session. The Senate of the United States, on the other hand, has the sole privilege of approving Presidential appointments and negotiated treaties, the latter approval requiring a two-thirds vote whereas the sole privilege of the House of Representatives is to originate bills for raising revenue.

One can't help conclude in comparing the two systems that the writers of the United States constitution were overly cautious in their anxiety to set up their checks and balances even within the legislature and failed to be impressed by the fact that the actual difference in representation should serve as a sufficient check within that branch. It is true, though, that the distinction in representation is not so great in the United States as in Switzerland, and since Senators have become popularly elected as all the

state legislatures eventually determined, that difference has been minimized considerably. However, if the Swiss method of leaving all qualifications, terms, and methods of elections up to the states is adopted a clear distinction should be maintained, self-control maintained in the legislature, and the states can be satisfied that their interests are being represented to the maximum degree. The resulting harmony between executive and legislative branches must be apparent when recognizing the tension often existing between these two branches at the time of Senatorial discussion of executive appointments and negotiated treaties.

Representatives in the United States Congress have two year terms on a rotation basis whereas in Switzerland the members of the National Council, or lower house, are elected for three year terms at the end of which there is a complete turn-over. The advantage of the Swiss method becomes apparent when appointments for the members of the executive are made at the beginning of each three year term. The constitution stipulates that the members of the executive will remain in office for three year terms equal to the period in which there is no turn-over in the National Council. Again the harmony necessary between executive and legislative branches can be insured, for with a turn-over in legislative membership, new appointments can provide for any necessary adjustments in the executive branch. In this way, the stalemate that frequently occurs between the United States President and Congress following mid-term Congressional elections can be avoided. Even today, such a stalemate between a Democratic President having a four year term and a Republican Congress since the mid-term elections is only too visible and is the cause of considerable national as well as international concern. By following the Swiss method once again, we can insure harmonious relations between executive and legislative branches.

Before delving into the specific law-making powers of the legislature let us move on to a study of the executive branch. The nature of this branch of the federal government differs markedly between America and Switzerland. The American executive is composed of a President, theoretically elected by an Electoral College, actually, by the people, and a Cabinet appointed by the President. The Swiss executive differs from any other in the world in that it is a plural executive known as the Federal Council composed of seven members. Each member heads an administrative department, one of them being chosen each year to serve as Chairman. The Chairman, who is known as the Federal President, has the specific duty of representing the federation at home and abroad. In other words, the Swiss executive is like an American Cabinet one of whose members is temporarily elevated to the office of President for supervisory or organization purposes only. Which type of executive would be best suited for a European federal government?

Before a decision can be made, there is one significant political factor which must be introduced, namely that of political parties. In America, political parties are a powerful and indispensable force in the election of a President due, in a large degree, to the fact that the constitution requires a majority vote of the Electoral College which equals in number the total membership of Congress. The two party system has enabled the Electoral College - and the people - to simply choose between two candidates, one of whom is bound to receive a majority. The few exceptional incidents in American history when a split had occurred in one of the parties thereby producing three major Presidential candidates have indicated how greatly the system depends on two parties to be purely democratic, for in those instances, the candidate not receiving the largest number of popular votes had often become President. The Swiss system, on the other hand, is completely inde-

pendent of party controls, and the importance of political parties is greatly diminished as a result. Can we anticipate the immediate formation of a two party system throughout Europe? Emphatically, "No!" Therefore any executive structure dependent upon it, such as an effective Parliamentary system, must be automatically eliminated from our considerations.

But is it not possible to have a popularly elected president who may receive only a plurality in votes? Considering the diversity of nations in Europe, the slowness with which they must necessarily become really conscious of union, it is practically impossible to conceive of Europe ever having a President clearly expressing the general desire of the electorate if such a system were adopted. Indeed, altogether too many candidates would automatically enter the field only to turn popular elections into a farce. Furthermore, the danger of executive-legislative stalemate may appear. It is worthwhile to mention also at this point that the framers of the United States constitution, not foreseeing the emergence of political parties, never intended that the President be chosen by popular vote but rather expected the state and national legislatures to effect the choice. The founding fathers were satisfied that the legislature fully represented the will of the people themselves. The executive was to be only an administrator - with veto power which could be overridden.

Eliminating, therefore, the possibility of creating a European executive to be chosen by direct popular vote, the wisest choice is to cleave once more to the Swiss system, tried and true, wherein the popular will is indirectly expressed through the legislature with no dependence upon the complications of political parties. Inasmuch as the legislature alone is truly representative of the people, that branch should be given the acclaimed predominance and the functions of the executive branch should be purely

administrative with powers to coordinate and initiate legislation as in Switzerland. Personal ambition in such a system is impotent, for no member of the Federal Council can expect to remain in office for more than three years, and the President for only one year, as two consecutive terms are prohibited. Certainly a high degree of prestige is given to the office of President - and in fact to all members of the executive - because they are thoughtfully chosen by the majority of the representatives of the people. It should also be noted that in the Swiss government any person eligible for membership in the lower house can be chosen as a member of the Federal Council provided no other blood relations or relations by marriage are chosen at the same time. Thus the opportunity is virtually open to all, although in the great majority of appointments the executive members are chosen from the legislature itself.

By permitting the members of the executive to speak (but not vote) in the legislature, further harmony between the two branches can be insured. A plural executive can insure effective coordination of federal activities especially when its important chairman is given his supervisory task for but one year and thus must prove his worth or lose his reputation. An interesting feature of this system should be mentioned at this point. A Vice-President is chosen at the time of electing a President, both holding departmental office; and, in Switzerland, the Vice-Presidential office holder is usually elected the following year as President. There is considerably greater debate, therefore, in the legislature over the choice of Vice-President than of President. (12) This too is all well and good because the efficiency and effectiveness of the Presidency can be insured if the holder of that office has had a year of general preparation.

(12) Brooks, op.cit., p. 108.

Having thus decided upon the nature of the European executive, following the example of a European state, the number of members and the designation of departments can easily be left up to the European constitutional convention, or even left open for the legislature to decide. It is important that in arguing for a European federation, the fundamental aspects of its organization be outlined in order that the practicality of the proposal may be emphasised. Without thus delving into these fundamental decisions, it would be too simple to dismiss this outward seeming idealistic proposal as an unrealistic dream.

The nature of the federal judiciary need not occupy too much of our attention. Its most important feature, namely the supreme court, should be given due emphasis however. Here we depart from the Swiss system and turn to the United States for our model. The reason for this is that a clear division of powers between the three branches of government are not carefully enumerated in the constitution of Switzerland and, furthermore, the legislature is empowered to decide on any constitutional questions concerning the location of power. This extreme flexibility has proven safe in Switzerland, a country covering a small area and with a small population, principally because constitutional supremacy is maintained by the requirement that all amendments must receive a majority vote of all the people. Can the large and diverse continent of Europe afford to create a government of such flexibility? Is it not possible that a highly inefficient government may emerge if too much power were assumed by the legislature representing such a large number of people and thereby having all it can do to keep itself from being torn asunder by factions in the carrying out of its purely legislative functions? No, if we leave up to a legislature, which changes every three years, the opportunity to allocate or deprive other branches

of important functions, there will be too much opportunity for confusion, too little "rule of law" and perhaps the emergence of a multitude of despots as the Federalists had feared.

There is no reason to fear, furthermore, whether a careful demarcation of powers for the three Federal branches is inconsistent with our previous conclusions concerning legislative dominance and its close relation to the executive. Demarcation of powers need not imply an artificial or inoperative limitation of powers; but rather, it implies constitutional authorization for the divisions and organization thus far determined. The constitution must remain continually the rock upon which the structure of European government rests; without a guardian, that rock may be gradually hacked away as a result of too hasty decisions on the part of a constantly changing group of men.

A supreme court as guardian of the constitution, therefore, should be set up after the model of the United States Supreme Court with preferably nine members appointed by the legislature to serve until a pre-determined retirement age or "for good behavior", and with power to declare void any legislation violating any constitutional provision. Thus the people themselves can be protected against a possibly over-zealous government, for certainly a Bill of Rights must be an essential feature of the European constitution. The legislature also can be protected from any encroachments on the part of the executive; and the executive, furthermore, can carry out its functions without being overly dependent upon legislative action for all its administrative activities. Dr. Stoke effectively stresses need for the power of judicial review in the following statement:

"A --- self-evident result of the principle of constitutional supremacy is that all acts of any governmental

agents inconsistent with the constitution are legally void." (13)

The United States government can also provide a model for the establishment in Europe of a federal judiciary structure which could be set up by legislative act. The appointment of judges could be made by the Justice Department of the executive with the approval of the legislature if necessary. The important requirement for the European judicial system is, without doubt, the organization of a supreme court and the constitutional provision for judicial review. The justified concern for division of powers expressed by the Federalists can thus be met and a balance obtained while, at the same time, any obstructive features of the American checks and balance system can be eliminated.

Thus the nature and structure of a European federal government has been developed in adherence to established principles of federalism and the lessons of appropriate federal experiments. The actual division of powers within the new federation must next be discussed in order to ensure a thorough understanding of the implications of a proposal for a United States of Europe.

PART II.

THE DIVISION OF POWERS

What, then, shall be the division of powers in the federal government? Due to the vagueness of the Swiss constitution in this respect and the clarity of the provisions in the United States constitution, the latter can serve as an excellent guide in determining the powers of the various branches of government. It must be remembered that the United States

(13) Stoke, op.cit., pp. 8-9.

constitution falls short only in its outline of relationships within the structure of the federal government in so far as such relationships should be established in the central government of a United States of Europe. In its outline or definition of actual powers, however, it can serve as an excellent authority and has already been used as such by framers of more recent federal constitutions. Modification of powers can be provided where modification of structure and relationships so require. Thus the United States constitution can make its vital contribution in our compromise plan. By employing the United States constitution in this manner we are automatically accepting Sir J.A.R.Marriott's thesis that either the powers of the central government or those of the local government must be enumerated in a federation; we are thus proceeding to outline and enumerate the federal powers.

Before proceeding further, this decision should perhaps be justified. It is apparent that one of the most difficult steps for the nations of Europe to take in the formation of a continental organization will be the surrender of "some portion of their 'Sovereignty'" as expressed by Sir J.A.R. Marriott. This step, however, is absolutely indispensable if an effective United States of Europe is to be established as we have already pointed out, and it can only be expected, therefore, that these nations in making a sacrifice of their long jealously guarded sovereignty would be careful to define the area of jurisdiction of the federal government leaving the residue of power with themselves on an equal basis, thereby following the example of the American states in setting up their federal union. In building our organization on as realistic a basis as possible, we can be justified in not only defining the area of jurisdiction of the federal government in general but of each of its departments, thereby completely accepting the

example of the United States in this respect. Considering that the division of powers as defined by the representatives from the American states with "states rights" attitudes similar to those found in Europe today has proved successful over 150 years of operation, we are further justified in applying the United States outline to the federal structure of the United States of Europe.

As the legislature is to be granted the greatest degree of power in the federal government, let us first list the powers of that branch. Article I, Section VIII of the United States constitution could easily be incorporated verbatim with only a few minor changes such as the substitution of the phrase "United States of Europe" for "United States", the elimination of the phrase "and with the Indian tribes" found in paragraph 3, and the substitution of "legislature" (or whatever name the European legislature will be called) for "Congress" as found in paragraph 15. Quoting from the United States constitution the powers of the legislature of the European federal government could be listed as follows: with the above changes in mind:

1. To lay and collect taxes, duties, imports and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imports, and excises shall be uniform throughout the United States;
2. To borrow money on the credit of the United States;
3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;
4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weight and measures;
6. To establish post-offices and post-roads;
7. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writings and dis-

coveries;

8. To constitute tribunals inferior to the Supreme Court;
9. To define and punish piracies and felonies committed on the high seas and offences against the law of nations;
10. To declare war, --- and make rules concerning captures on land and water;
11. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
12. To provide and maintain a navy;
- 13; To make rules for the government and regulation of the land and naval forces;
14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;
15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;
16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of ports, magazines, arsenals, dock yards, and other needful building; and
17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the government of the United States, or in any department or officer thereof."

Other powers of the legislature listed in the constitution are:

- 1) the power of regulating immigration; 2) the power to declare the punishment of treason; and 3) the power of the Senate to try cases of im-

peachment, all of which can be included amongst the enumerated legislative powers.

The United States constitution is careful to place specific restraints upon the legislature which may also serve as examples in defining powers of the federal government of Europe. The most famous of such restraints are those embodied in the first amendment to the constitution as part of its Bill of Rights. It reads as follows:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people, peaceably to assemble, and petition the government for a redress of grievances."

Other prohibitions can be found in the body of the constitution, namely in Article I, Section IX and read as follows (with paragraph 1 concerning immigration before 1808 excluded):

- "2. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.
3. No bill of attainder or ex post facto law shall be passed.
4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before to be taken.
5. No tax or duty shall be laid on articles exported from any state.
6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties to another.
7. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.
8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state."

Paragraph 4 had been amended by Article XVI of the Amendments which reads as follows:

"The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

This also could be included in the list of legislative powers.

There are certain other powers granted to the American Congress by amendment to the constitution which can and should also be included amongst the desired legislative powers. In Articles XIII, XV, and XIX of the Amendments we find the following prohibitions which in each case "Congress shall have power to enforce by appropriate legislation". The prohibitions are as follows:

Amendment XIII

"Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted shall exist within the United States, or any place subject to their jurisdiction;--"

Amendment XV

"The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."---"

Amendment XIX

"The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

The above enumerated powers are certainly the minimum to be granted the legislature of an effective federal government. When adding to these powers the power of the legislature to elect by majority vote the members of the Federal Council (or whatever name is applied to the plural executive) and approve appointments made by the Executive, the legislative powers of the federal government of the United States of Europe should be complete.

In defining executive powers, the constitution of the United States cannot be as helpful as in the enumeration of legislative powers because of the proposed substitution of a plural for a single executive. With that constitution as a guide, and with the functioning of the Swiss executive in mind, the following powers should be granted the executive branch of the federal government:

1. To administer and execute all federal laws;
2. To make treaties and other foreign agreements subject to the consent of the legislature;
3. To nominate and appoint, with the consent of the legislature, ambassadors, other public ministers, consuls, judges of the supreme court and all other officers of the federal government;
4. To report periodically to the legislature on the "state of the union", to initiate legislation, and to participate in legislative debates.

These powers do not appear to be very broad, but analysis of the powers to "execute" and "Administer" federal laws indicates immediately that the scope of executive powers is not too limited. With the exception of acting as Commander-in-chief (a power of the United States President), the powers of the executive commission are no less than those granted to the American executive, one of the most powerful men in the world. The three year duration of terms, however, together with the appointment of members of the executive by the legislature serve as effective checks to the possible development of too strong an executive branch of the federal government.

When attempting to define the powers of the judiciary, the United States constitution can be used to good advantage once again. By merely substituting "United States of Europe" for "United States" and "federal legislature" (let us say) for "Congress", Article III could be incorporated

in a constitution of the United States of Europe exactly as written as follows:

ARTICLE III

"Section I. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section II. 1. The judicial power shall extend to all cases, in law and equity, arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Section III. 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted."

Amendment XI.

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State."

A fourth paragraph should be added to the section of the European constitution corresponding to Section II above. In this paragraph the

supreme court should be specifically granted the power, whether in original or appellate jurisdiction, to declare void any federal or state law which violates the provisions of the constitution of the United States of Europe. This power of "judicial review" is implied in the United States constitution; but it is so essential to the structure of the European federal government that specific authorization should be clearly stated. The federal judicial powers will then have been completely enumerated.

We have thus enumerated in detail the powers and their limits to be granted to each of the branches of the new federal government, those powers which, in the development of our argument, appear to be most desirable. If all such powers were to be listed in the new constitution for Europe, and protected by a supreme court, a well balanced federal government, built on secure and proven foundations, will be insured.

The balance of powers within a federal system must be two-fold, however, those within the federal government and those allocated or reserved to the local governments. As the status and powers granted to the individual European states is equally as important as those granted to the various departments of the federal or central government, let us now explore briefly the part played by the states in the federal framework and note the general effects a federal government as outlined above should have upon the rights and privileges of the states.

In spite of the fact that the powers of the federal government are enumerated and all residual powers pertain to the states, the sovereignty of each member state of the union must be sacrificed in proportion to the granting of specific and exclusive powers to the federal government. For instance, the power of the federal legislature to regulate foreign and interstate commerce and the national currency must of necessity be a heavy blow

to the long cherished rights of the European states. But these powers above all others must be centralized in Europe if a European federation is to have any meaning or success. The states, however, will retain complete control over certain intra-state activities of economic, social and cultural natures. Many of these activities are those which the nations value the most and have been the cause for the formulation of many nationalistic policies that have proved internationally harmful. Inasmuch as the basic problems of their existence and prosperity are to be assumed by their chosen representatives in the federal government, they can in turn concentrate on matters of individual importance to themselves. There is more opportunity for the European nations to maintain their individuality and to control effectively their individual problems under a federal system than under the present indefinitely precarious conditions where all must suffer alike in their comparative poverty and where it has been shown that there so-called "independence" is but a farce.

The existence of enumerated powers of the federal government cannot be the only limits to state sovereignty. Unless the constitution contained specific prohibitions against particular state activities there could easily be a duplication of controls and resulting chaos. In the United States constitution, therefore, there are three paragraphs containing the necessary additional restrictions upon the states. With reference to the effectiveness and success of these restrictions, Dr. A. Berriedale Keith states in his book, Federation: Its Nature and Conditions,

"To the United States belongs the credit of being at once the oldest true federation, and of maintaining intact the balance between the federation and the units, which is the essential characteristic of federation." (14)

(14) A. Berriedale Keith, Federation: Its Nature and Conditions, London; Wyman & Sons Ltd, 1942. p. 1.

In agreeing with this valid conclusion of Dr. Keith it would seem wise to list those specific restrictions upon the states and thus ensure a proper balance for the new federation of Europe. They can be found in Article I, Section X immediately following the list of restrictions upon the federal legislature. They read as follows:

"Section X. 1. No State shall enter into any treaty, alliance, or confederation; ~~---~~ coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligations of contracts, or grant any title of nobility." (The last restriction can be considered optional.)

"2. No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

"3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay."

Many of the above restrictions are those imposed upon the federal government; others are distinctly designed to avoid duplication. An important consideration to bear in mind with reference to these direct limitations upon state powers, is that they are part of the basic law of the federation and must be considered and accepted by the states before the federation could even come into existence. Such restrictions demonstrate the "rule of law" which is easier to accept than coercive measures. Perhaps this rule of law is the powerful factor which Messrs. Freeman and Paullin had in mind when they made the following comment concerning the success of the federal principle in the United States:

"As we review the history of the United States in an effort to discover the forces which have bound the nation together,

we are compelled to conclude that they have been the intangible forces which have worked quietly and almost imperceptibly, and that at no period in this development did the coercion of states preserve and strengthen the Union." (15)

Can there be little doubt that by excluding the above restrictions from a European constitution that coercion on the part of the federal government would be the only means of establishing any coordinated power? This should be the last measure to be employed for it is in complete defiance of the very principle of federalism based on cooperation through previously determined division of powers.

With respect to the rule of law and its power to form a "perfect union" especially in connection with the relations between the federal government and the states, there is one further consideration to bear in mind. This additional factor concerns the relationship between federal and state laws which has been firmly established in the American system. The necessity for coercion has been completely removed because of the interpretation of the United States constitution which Dr. Stoke describes below:

"--- the Supreme Court has always decided in favor of the national government when its authority has been attacked by the states. Perhaps the most unequivocal statement of the doctrine in judicial decisions of the United States is that of Chief Justice Marshall in *Cohens v. Virginia*:

'The Constitution and the laws of a State, so far as they are repugnant to the constitution and laws of the United States are absolutely void.'" (16) "

The basis of the above interpretation lies in paragraph 2 of Article VI of the United States Constitution as quoted below:

"The Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the

(15) Freeman and Paulin, op.cit., p. 10.

(16) Stoke, op.cit., p. 25.

United States, shall be the supreme Law of the Land; and the Judges in every state shall be bound thereby, anything in the Constitution or Laws of any State to the Contrary notwithstanding."

The rule of law will be ~~assured~~ beyond doubt if such a clause were incorporated in the constitution for the United States of Europe.

After placing the above restrictions upon the states as part of the federal constitutional law, we can with perfect freedom and with the knowledge that a well balanced federal system has been ~~ensured~~ include in the new constitution the following clause which is the tenth amendment to the United States constitution:

"The powers not delegated to the United States by the Constitution, nor ~~prohibited~~ by it to the States, are reserved to the States respectively or to the people."

In the event of any dispute between the states and the federal government concerning a possible conflict between the use of these reserved powers by the states and the delegated powers of the federal government, the Supreme court alone could maintain the smooth functioning of the basic law by interpreting the constitution in such a way as to bring added strength to the supremacy of that basic rule of law.

In analysing relationships within a federation and of necessity dealing with one unit at a time, it is not difficult to forget sometimes one very important feature, namely that the states and the federal government are not separate, independent units, except in their areas of jurisdiction, but are actually indissolubly linked together and inter-related through the representative bicameral federal legislature. This fact is particularly apparent in the kind of legislature proposed for Europe: through representation in the upper house as described the states can make their desires known, the qualifications, terms and method of choosing their represent-

atives being left entirely up to them. This is highly significant inasmuch as the assumption of federal powers must necessarily be gradual and the states can, through legally peaceful methods, understand through their representatives the need for the employment of certain federal powers and contribute towards their enactment. Any other method might possibly alienate the states. Even the possible danger of the upper house continually disagreeing and vying with the lower house - based on popular representation - can be prevented by the incorporation in the constitution of another important clause of both the American and Swiss constitutions. The American clause which can be found in Article IV, Section IV, reads as follows:

"The United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence."

The important part of the above clause is the guarantee of a republican form of government. Every state, therefore, upon entrance into the federation, must maintain a representative government. The mechanics of the federal government could not operate without the existence of democracy within the states. Furthermore, if the state governments are representative of the people, their representatives in the federal upper house must in turn be responsive to the demands of the people of the states as much as the members of the lower house. Thus any possible area of conflict diminishes, a difference in emphasis alone distinguishing the attitudes of the members of the upper and lower houses of the legislature. The following quotation from Sir J.A.R. Marriott further emphasises the effect of the guarantee of republicanism to the states upon the strength of the entire federal structure of the United States:

"'The American Constitution', said Emile Boutmy, is 'like a body of which you see nothing but the head, feet and hands while the trunk containing the vital organs is hidden from view. This essential part represents the constitutions of the separate states.'" (17)

The balance so necessary in a federal state is thus maintained and sustained, and the importance of the governments of each and every state enhanced as well as protected.

There is another important factor which contributes to the importance and the necessity of maintaining representative state governments and in fact is the basic reason for the existence of a European federation, namely the rights of the people. These rights limit the area of activity of both the federal and state governments for true sovereignty in a federation, in the last analysis, must rest with the people - in the "general will" described by Rousseau. The essence of federalism is representative government; and the basis of representative government is the civil responsibility and rights of each and every individual governed. It is for the people's benefit, therefore, that the elaborate federal structure is built, and it is through their power that it can be modified, torn down, or allowed to progress. Proof of the sovereignty of the people must lie not only with a guarantee of representative government but in granting them the sole power to amend the constitution, and even ratify it. The detailed methods of ratification and amendment can be explored and decided upon by the European constitutional convention. Suffice it to say here that it is essential that the democratic voting of the people be the determining factor in either adopting or changing the basic law. This vote may be expressed in the form of conventions or referenda; but unless a majority - and a

(17) Marriott, op.cit., p. 87.

large majority - favor the formation of the federation and determine any of its constitutional changes, the federation cannot be expected to survive.

To ensure the maintenance of the rights of the people and to prevent the usurpation of these rights by governmental agencies, the new constitution must contain a Bill of Rights. Because of the compact listing of these rights in the United States constitution let us once more turn to this source for guidance, although the Swiss constitution has as well many clauses protecting the civil rights of Swiss citizens. The United States Bill of Rights is embodied in the first ten amendments to the constitution and also the 13th, 14th (Sec.1.), 15th and 19th. The protection and rights they grant the citizens can be universally applicable and have no implications which should apply only to the United States. It is also interesting to note the timeless quality of these rights, for though the majority of them were written down in 1789, they are as necessary today - in all countries - as in the latter part of the eighteenth century. They are as follows:

AMENDMENTS

ARTICLE I

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.

ARTICLE II.

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III.

"No soldier shall, in time of peace, be quartered in any house,

without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

ARTICLE V

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

"In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Council for his defence.

ARTICLE VII.

"In Suits of Common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of common law.

ARTICLE VIII.

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE X.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

ARTICLE XIII

"Section 1. Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this Article by appropriate legislation.

ARTICLE XIV.

"Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5. The Congress shall have power to enforce, by appropriate legislation the provisions of this Article.

ARTICLE XV.

"Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this Article by appropriate legislation.

ARTICLE XIX.

"The right of citizens of the United States shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this Article by appropriate legislation."

If the constitution for the United States of Europe contained an Article entitled "Bill of Rights" embodying the provisions listed above, this new organization will be built on the safest possible foundations. By thus identifying the rule of law with the rights of the people, that basic law will be safeguarded and strengthened. We have thereby set forth a governmental structure which corresponds to the basic requirements of the political sages referred to in the previous chapter. We find Plato's rule of law, Aristotle's government for the common good, Locke's emphasis on individual rights, and Rousseau's identification of sovereignty with the people.

We have thus set forth certain requirements and suggestions for the political structure of the United States of Europe. The structure is designed to meet the three fundamental needs stipulated in the beginning of this chapter: 1) the need for political machinery to effect coordinated economic integration for the continent; 2) the protection of the integrity of the individual states and freedom within their sphere of jurisdiction; and 3) the means for preserving and developing further democratic institutions whereby the rights of the people and civil rights in general may be maintained.

This chapter devoted to an analysis of federalism and the application of federal principles to a United States of Europe can well be concluded by a brief but clear portrait of federalism as drawn by Dr. Greaves, a picture which the framers of the European constitution may well bear in mind as they create the organization to come:

"Submission to reason rather than authority, to a general view arrived at by free discussion instead of a pronouncement which cannot be questioned because of its source of origin: therein is the spirit of democracy and of successful federalism alike. The guiding principle of both is that authority is limited by the purpose for which it exists, and in the last resort the people determine that purpose. Social ends are thus related directly to individual ends. The federal government and the provincial government derive their authority from the same source; each is an association of man with man and is limited by the articles of its association. There is thus a hierarchy and an interlocking of authorities to carry out different sums of individual purposes." (18)

(18) Greaves, op.cit., pp. 121-122.

CHAPTER V

THE POSSIBILITY OF THE FORMATION
OF
A UNITED STATES OF EUROPE

In the preceding chapter we have endeavored to set up a desirable political structure for a United States of Europe stipulating certain fundamental requirements which such an organization should meet as the principles of government, particularly federalism, and political experience have dictated. At the same time, one of the basic considerations has been the adaptability of the structure to European conditions and in making any necessary adjustment we have found that the process need be only a choice between alternatives falling within the basic objective requirements. Having thus drawn the blue print for an organization which seems to meet Europe's needs perfectly, we must now take a further step in correlating the ideal with the practical by determining the possibility of the establishment of such an organization.

If we were to look to European history for signs of a an obvious and definite trend towards federal union we could be easily disappointed, for political trends could be detected developing in the opposite direction equally as well, the centrifugal forces apparently having as much sway as the centripetal as noted in Chapter II. This conflicting development in itself, however, is setting the stage for a sharp resolution, for the establishment of a United States of Europe depends upon a combination of both evolutionary and revolutionary factors. Historical data can justify this statement for the most progressive changes in history have been brought about through a sharp reversal of one current of political trends

to conform with another. Was not this so in the case of the establishment of federal union in America following the Revolutionary War, and also in the case of the formation of the first French Republic after another rather violent revolution, and even in the formation of the Swiss federation? In this sense one could argue that the historic trend is in the direction of federation for Europe inasmuch as the current centrifugal forces are leading to the decline of that continent and require the necessity for change thereby giving any corresponding centripetal forces greater power. The fact that the formation of a European federation calls for an abrupt reversal of many political activities in Europe need not necessarily imply that the revolutionary change must be accompanied by violence. The centrifugal forces in both America and Switzerland which existed after the employment of physical force were reversed by the simple, but albeit revolutionary, method of peaceful compromise over truly radical policies within constitutional conventions. That is all that is necessary for the formation of a United States of Europe. Europe needs but "one spasm of resolve! one single gesture!" as Winston Churchill so eloquently expressed it.

Interesting and helpful observations have been made by analysts of federations concerning the conditions existing at the time of their establishment and the forces contributing to their development. By including several of their conclusions in this chapter we should be able to gain a clearer picture of the possibility for establishing a European federation, placing conditions in Europe in proper perspective.

Messrs. Freeman and Paullin make the following observation:

"Federation grows as the result of intangible forces.

"We take heart that, though tariffs and national differences and dominant control by one group, and

racial antipathy, and even war preceded the attempts at organization of unions and federations, 'more perfect unions' were in fact created and were made to cohere as the result of intangible and sometimes previously unappreciated forces which had by then developed to fruition. These might be: geographic, economic and cultural interdependence; the increase in the number of fields of cooperative endeavor; the elimination of causes of friction; the growing understanding and appreciation among people; the development of transportation, communication, trade, industry, education, interstate migration, industrial and labor unions; the common experience with political institutions, and therefrom a determination to make the undertaking successful - all resulting in a new and higher loyalty that embraced the component parts.

"A combination of all or some of these forces brought about and assured the success of the various federations ---". (1)

Dr. Greaves makes the following contribution:

"---a common political philosophy, and a similar system of government among different states is a necessary condition of their effective federation. ---Similarity of economic and social structure would seem also to be a prerequisite. For, ---agreement on fundamentals, though it may be combined with differences as to details and methods, is an essential of real federal union.

- - -

"Nor are the causes of federal combination hard to assess. Fear cannot be over-emphasized as a motive force.

- - -

"Fear of 'foreign economic competition' as well as 'fear of foreign invasion -- has also encouraged combination."

- - -

"Internal disorder and war have been another similar cause.

- - -

"The possibility of securing economic advantages through union has also been a significant motive force." (2)

Finally, Sir J.A.R. Marriott has the following comments to make on the question of conditions for federation, three of which he particularly

(1) Freeman and Paulin, op.cit., pp. 59 - 60.

(2) Greaves, op.cit., pp. 122-124.

stresses:

"First, there must be a group of communities so united by blood or creed or language or political tradition as to desire union; but sufficiently tenacious of independence as to revolt against the idea of inclusion in a unitary State."

(He then proceeds to comment that Switzerland developed a powerful federal union in defiance of these stipulated conditions!)

"A second condition is that none of the constituent States should be individually powerful enough to resist, single-handed, foreign encroachments, and maintain its own independence ---"

- - -

"A third condition is that there ought to be the least possible inequality among the contracting states. --- In no Federal State is it fulfilled." (3)

The first conclusion one must reach in analysing the statements of these scholars is that conditions in Europe appear to conform to many of their requirements; however, each writer differs in his emphasis upon the necessary conditions, and requirements mentioned by one are completely ignored by another. The lack of unanimity indicates the near impossibility of the task of trying objectively to set forth conditions required for federation as a result of past experience and then correlating European conditions with them. The one motivating force upon which all find agreement, however, is the need for improving economic conditions. This is one of Europe's needs that cannot be over-emphasized and, indeed, seems to outweigh all others. Historical exceptions can be found, and have been mentioned, concerning the universality of the other causes and conditions listed. We cannot, therefore, set up general standards which Europe must meet before federation can be considered. The Swiss example alone, differing so radically from the norm, should prevent us from any such attempts.

(3) Marriott, op.cit., pp. 85-86.

We can finally conclude, however, that to the degree that Europe meets the numerous conditions which have prompted federation in the past, the greater are the possibilities for a truly effective federation; and yet, who can evaluate the motivating force of one set of factors against another?

Some analysts of European affairs have concentrated their attention upon certain centrifugal trends only, concluding that the existence of such obvious conditions in that direction destroy the possibility of European union. One factor that many of these analysts have considered an obstacle in the path of European union is nationalism. They base their argument on the assumption that a so-called European consciousness is required before union can be achieved. But is a European consciousness necessary? Did the colonists at the American constitutional convention feel a surge of national spirit when writing the United States constitution, or rather, were they each trying to defend and protect the interests of each of the states they represented while establishing a new government? And did not a "Swiss nationalism" take many years to develop after the successful launching of their new federation? Then why must the idea of federation for Europe be considered too unrealistic simply because there is no real European consciousness at present? Such cynical arguments ignore the fundamental nature of federation, the national problems it is designed to cure, the protection of real national interests it is designed to provide. Furthermore, if a European consciousness were in existence, then many of the problems facing Europe would not exist today and cooperation would have been substituted long ago for competition. Because there is such a great need for a European consciousness and because excessive nationalism must be destroyed a powerful European federation is needed. Through

the existence of a federation a European consciousness can be encouraged and nurtured into being, and as the sense of unity grows, the effectiveness of the federation will increase. By appealing to those selfish interests which so many consider as obstacles to union can the federation gain impetus as the means of solving individual and national problems. With the promise of a fundamentally democratic federation, this appeal can transform many so-called obstacles into favorable forces. European federation can therefore be considered a definite possibility without the existence of a European consciousness.

Certainly national pride within each state need be no deterrent to the possibility of forming a federation for it fails to violate the principles of federalism which are designed to simply prevent such pride from either injuring the state involved or other states in the union. The experiences of all other federations have proved that it is possible for the people to develop dual loyalties which are complementary to each other, the new loyalty to the union developing slowly but steadily. So many analysts of the European problem fail to recognize this adaptability of the human mind and automatically dismiss all proposals for collaboration and union as utopian because of the strong nationalism for which each European country is noted. Then too, many theorists magnify the force of nationalism by failing to conceive of the possibility of the people themselves, rather than government officials, who are expected to be nationalistic, determining their governments' policies when the question of federalizing is considered. The value of democracy and the impact of its procedures upon the minds of sovereign people indeed cannot be minimized, as past experiences of federations have proven.

Another condition which many students of recent European affairs

consider basic to the formation of a federation is the consent of Russia. Because such consent is not foreseeable in the near future, proposals for European federation are automatically discarded, shelved again as utopian, impossible. But why should Russian-non-cooperation be considered a factor preventing the formation of federation? How could Russia prevent its establishment? In the first place, the democratic nature of the federation requires its development as a result of the spontaneous desire and sponsorship of European peoples, not European powers. If the federation depended upon the great powers, or any one of them, for its existence, it would be totally inadequate and ineffective, weak, and even non-European from the core. A federation instigated or promoted by the great powers is not the kind of union Europe needs, nor the kind about which this paper has been written. Furthermore, all that Russia can do, short of war, to hinder the development of a European federation is to place many economic and political pressures upon the eastern European nations which have fallen into her economic and political orbit and thus postpone the entrance of these countries into the federation. But does a European federation depend upon the immediate entrance of eastern Europe? No, not at all. The federalizing of just a few states in western Europe as a nucleus can serve as an effective beginning to federalizing all of Europe by degrees. If we stipulated that the formation of European federation required the immediate entrance of every European nation, then federation must be considered an impossibility indeed, and the objections of Russia a powerful preventative factor. Such immediate unanimous agreement definitely cannot be expected because of the democratic nature of the method of creating it. Once again an argument used to oppose federation can be twisted to favor it, for the very fear of Russia's power to dictate the actions of European nations can stimulate many of them to

to organize for greater strength and self defense attracting increasing membership with their success. The possibility of European federation exists with or without Russian approval.

Russian control of part of Germany, however, raises another question concerning the possibility of federation, namely: should not the entrance of Germany into the federation be considered a basic condition in its formation? Not necessarily, for if the federation is to be a democratic voluntary union, it can come into being, as we have stated before, when just a few states so desire it. The economic strength of the federation, however, is largely dependent upon Germany's participation. If we should eliminate the possibility of Germany's economic development and entrance into the union, a federation of European democratic states would remain the means by which Europe could grapple with the continuing problem of shortages. There is no doubt, however, that Europe could not be expected to become a second United States of America without the entrance of a productive Germany into the federation.

What, therefore, are the possibilities of Germany's entrance into the federation? Only with respect to Germany's participation do the policies of the great powers - Russia, United States, Great Britain and France - have direct bearing upon the development of a European federation. Germany cannot join unless the nations occupying her approved. The possibility of all of the powers disapproving is purely hypothetical because Great Britain, France, and the United States have already agreed to back the plan for a coordination of European reconstruction indicating the real possibility of their approving the further step of federation. The reaction of Russia to the Marshall Plan raises doubts as to her endorsement of Germany's entrance into the federation. However, Great Britain and the United States have

have acted independently in the past with respect to Germany in coordinating the economic activities of the British and American zones, and can do so again by permitting a German plebiscite to determine the desires of the Germans concerning their entrance of these two zones along with the French zone into the federation. If the trend of opinion favors entrance, and it is hard to imagine any other trend, steps can be made immediately by the occupying powers not only to lift restrictions on industrial output but to return to the Germans as speedily as possible, the democratic self-rule required in each state prior to joining the federation.

With this proposal, another question presents itself: will not this policy automatically separate the Russian zone from the rest of Germany, thereby creating a divided and weak state of no use to Europe or the federation? But, is not Germany already a divided and weak state under present conditions? How else can she be made strong? In the Russian zone lies Germany's most fertile agricultural soil, and yet it is being wasted or managed inefficiently to the point that Germany must depend upon imports for a large percentage of her food supply. ⁽⁴⁾ With the recent coordination of economic activities in the British and American zones, Germany has already become two states with Russian change of policy its only hope for unification. The sacrifice of the policies of the other powers to that of Russia may possibly create a united Germany, but a Germany living at subsistence level producing solely for Russian reparations. In such a situation, would it not be reasonable to expect that a policy of permitting the coordinated zones to develop politically and economically would be adopted by the powers in control? These zones could eventually join forces

(4) Brandt, op.cit., p. 20.

with the federation in nucleus and thereby eliminate the basic stumbling block in the German problem. The fear of German aggression could thus be destroyed and her economic potential developed to the utmost. All the great powers, Europe and Germany itself ~~are~~ suffering from the present restrictions upon German production. It is imperative that these restrictions be lifted and this can be done only after the fear of German political aggression is removed. Thus it would be to the best interests of all concerned to prepare Germany for entrance into the federation.

The actions of the British and American governments are consistent with this proposal and indicate the possibility of its realization. Should the idea be dismissed simply on the grounds that it may be objectionable to Russia? What could Russia do to oppose it? Certainly no more harm than she has already done in Germany. What hope would there be for progress in the world if the actions of any one nation or group of nations depended upon the unanimous approval of all? There would be very little indeed.

We must conclude therefore, that the entrance of Germany, or part thereof, depends upon the policies of the great powers and that there is every indication that all the powers, except Russia, will promote Germany's entrance into the European federation for the benefit of Europe and the world. How could the German people fail to approve this method of unshackling them from the yoke of occupation forces and policies? In view of present conditions in Germany, it is impossible to conceive of the Germans raising objections to joining the federation which could easily be a symbol to them of economic and political emancipation. Certainly, in the last analysis, the consent of the Germans themselves is essential to their successful participation in a European federation.

In view of the kind of democratic structure we have proposed for Europe there is one condition to the formation of a federation that cannot be eliminated along with the others just mentioned. That condition requires that before any one state can become a part of the federation it must institute a democratic, representative government. This condition eliminates any requirement for the immediate entrance of all European nations for only the countries of western Europe, excluding Spain and Portugal, fulfill this unalterable condition at the present time. As we have stated earlier, however, that should be no reason for surrendering any idea concerning the formation of an all-European federation. On the contrary, let those countries with democratic political institutions in common proceed to set up a federation open to all European states. As the federation commences operation and gradually proves its inevitable success, particularly in the economic field, there is every reason to believe that, as the economic motivating factor becomes stronger with the deterioration of economic condition in non-member countries, one by one the totalitarian and communist European nations will gradually re-establish the democratic institutions which had been overthrown and agree to ratify the constitution of the European federation. There need be no mechanical or constitutional device to prevent the growth of the federation in this way. In fact, one of the many assets in federalism is its capacity to expand its area of jurisdiction without any sacrifice of constitutional provisions. As the European federation grows, the numerous economic and political problems of that troubled continent will diminish.

Since the introduction of the Marshall plan and the subsequent discussions in Paris it has become apparent that centripetal forces are becoming increasingly dominant in western Europe, and at the present writing, ser-

ious consideration is being given to the formation of a federation - perhaps only for western Europe. If an artificial limit should be placed upon the membership of a European federation, however, it can safely be said that the problems of European political security cannot be met, but rather there would be an increase in the tensions already developing between eastern and western Europe. A western European federation alone - with restrictions upon additional membership - would serve to stifle the economic and social intercourse still existing between eastern and western Europe and the continent would be artificially forced to remain a house divided against itself. Then, indeed, would eastern European antagonism be inevitable.

Having thus determined that western Europe would serve as a possible nucleus for a United States of Europe because of the common democratic institutions which exist there, we must return to the introductory remarks in this chapter and ascertain the possibility of centripetal forces triumphing over any centrifugal tendencies amongst the European democratic nations. In other words, we must answer the following question: what are the chances for the necessary "spasm of resolve" to be made by these nations in order that a federation may be formed? In seeking an answer to this question let us examine the history of the idea of European federation to determine whether the idea has made an imprint upon European thought sufficiently to provoke action in the past.

We find that the concept of European union is not new. It has existed for many centuries, and with each recurrent suggestion, the principle has received increased backing and prominence. Famous theorists back to the time of Philip IV of France have developed the idea in one form or another. George Podiebrad, Bohemian King of the 15th century, and later Henry IV of

France in the 18th century had worked out details for European collective security. Immanuel Kant, in his treatise entitled Perpetual Peace, written in 1796, expounded a theory on the need for the federation of states and accompanied his exposition with detailed plans for such an organization. Victor Hugo, recently in the 19th century, vigorously proclaimed the need for a United States of Europe to be formed after the Swiss model.

Then in 1923 the idea entered the realm of action when a Pan-European Union with branch organizations in all European countries was established by an Austrian Count, Richard Coudenhove-Kalergi who has been crusading for a United States of Europe ever since. This conscientious leader has done much to influence prominent individuals in almost all European countries to promote the idea of union and participate in the propaganda activities of the Pan-European unions within their countries. The movement has been growing steadily, receiving increased numbers of European followers amongst both European intelligentsia and "big business", both of which groups having been gradually convinced of the theoretical and practical value of European union. No official blueprint for the federation was sponsored by this organization, its main purpose being to pave the way for a European constitutional convention which could do this work.

In 1929, the idea of European union became so prominent that it commanded the attention of Europe's leading statesmen, particularly through the sincere efforts of the French leader Aristide Briand. In a plea for the formation of a United States of Europe which he presented before the Tenth Assembly of the League of Nations on September 5, 1929, M. Briand initiated international action. In this speech he stated

"--- I do think that where you have a group of peoples, grouped together geographically in Europe, there ought to be some federal link between them." (5)

(5) Paul Hutchinson, The United States of Europe, New York: Willet, Clark and Colby, 1929. Preface.

Thereafter European statesmen thought considerably about European union particularly between the years 1929 and 1933 in which they participated in the diverse activities of the League of Nations Commission of Enquiry for European Union, Edouard Herriot of France even wrote a book on the subject in its favor. But no positive steps were taken because of the series of economic crises which absorbed their attention after 1929. Positive action in connection with European union disappeared with the demise of the Commission in 1932 and even the idea was given little general attention because of the impact of political events leading up to the second world war.

Since World War II, however, the idea has revived to receive even greater prominence as it is voiced by American, British, and European statesmen and scholars. In fact a highly significant report has recently been given by Count Coudenhove-Kalergi, now a Professor at The New York University, concerning current developments in Europe favoring the establishment of a federation. This report was given in an address delivered early in 1947 at the New York Herald Tribune Forum and so impressed Senator Elbert D. Thomas that he requested the speech be inserted in the appendix of the Congressional Record.

Professor Coudenhove-Kalergi announced that in response to 3,913 letters which he wrote to members of the parliaments of European democratic nations asking whether they were in favor of the establishment of a European federation within the framework of the United Nations, 612 members were in favor and only 12 opposed as of the time the report was given. A breakdown of the 612 favorable letters revealed that 86 came from members of the French National Assembly, 107 from members of the British Parliament, (64 belonging to the Labor Party and 34 to the Conservatives), 188 members

of Italy's National Assembly representing various political parties, and
 (6)
 67 Greek statesmen and party leaders. Then Professor Coudenhove-Kalergi
 proceeded to give his interpretation of these replies which indicates
 that the real chances for the establishment of a United States of Europe
 are strong indeed. Here are his stirring words:

"This parliamentary Gallup poll on European federation, with its amazing result, 612 "yes" to 12 "no", gives a definite answer to those who still doubt whether the peoples of Europe wish to see their continent divided or united. For all these members of Parliament have soon to face their constituents when asking for re-election. Had they any doubt on the popular feeling toward European union, most of them would not have risked their political future by voting publicly for this cause.

"But they are well aware that the overwhelming majority of the peoples of Europe wish to see a new and united continent emerge from the ruins of the war; a Europe without wars, without starvation, without concentration camps; a Europe peaceful like Switzerland, prosperous like America, free like both.

"If a fair plebiscite were to be held tomorrow on the issue of European federation, men and women of all parties and nations, on both sides of the 'iron curtain' would stream to the polls to give overwhelming support to the cause of peace by union." (6)

We have thus been given strong indications indeed that there are real possibilities for the establishment of a European federation. The spade work of the various national Pan-European Unions has indeed been effective. The idea of European federation is approaching the stage of action - action mainly on the part of the European democracies. Proof of this fact is revealed by the next few words of Professor Coudenhove-Kalergi, which immediately followed the above quoted report:

"This is the reason why I appealed not to the governments but to the people of Europe, through

(6) Hon. Elbert D. Thomas, "A Parliament for Europe", Extension of Remarks in the Congressional Record - Appendix, Washington D.C., March 18, 1947 p. A 1150.

their freely elected representatives. Europe needs a European Parliament, as a symbol of its common destiny and an instrument of its growing integration, as a new continental authority, to coordinate its national and social aspirations.

"To prepare the organization of such a continental parliament, I have just asked the 612 pioneers of European federation to constitute nonpartisan committees for European federation in their respective parliaments and to invite all their colleagues who share their views to join them. We may expect that some of the most important of these committees will soon embrace parliamentary majorities, strong enough to go ahead toward union ---."

What encouraging words - and what promise they contain! The centripetal forces are dominating on the present democratic European scene. As long as the will of the people is directed towards collaboration and union, all theoretical conditions to the contrary must fade, and the differences of languages and cultures so long held up as obstacles in the path of European union will disappear before the force of the demands of the people. The basic and inescapable condition for European union will have been met, however; namely the desire of the people in democratic states to form a federation. Yes, with every passing day, European federal union becomes more and more a real possibility.

CHAPTER VI.

CONCLUSION

"Every great political happening began as a Utopia and ended as a Reality?"

These are the words of Nicholas Murray Butler in his introduction to Count Coudenhove-Kalergi's book "Pan-Europe" which launched the Pan-European Union. Indeed the idea of a United States of Europe built upon democratic federal principles sounds utopian when considering the miraculous effects it will have upon European developments and progress. We have indicated though how this idea for Europe - based on comparative historic experience - is becoming more and more a reality, and must become a reality lest Europe perish.

The intelligent hope for the realization of this ideal rests upon the people of Europe. They alone must make the important decision, for on the basis of their sovereignty can an enduring and effective federation be built. Up to the present, the people themselves have had little opportunity directly to determine their governments' policies concerning closer collaboration amongst their respective governments. And the foreign offices of their governments have done little to encourage any such movements in as much as their major function has always been to preserve the absolute independence of their countries. This has been revealed only too clearly in the history of Europe and particularly in the failure of Aristide Briand's proposal for a European union. One glance at the replies of the various European foreign offices to M. Briand's Memorandum on the subject indicates how wary were the governments of any possible sacrifice of sovereignty and independent action. (1) However, even if the foreign offices

should suddenly doff their conservatism and embrace wholeheartedly the concept of European union without first turning to the people whom they serve for a mandate, the commencement of such an organization will be shaky indeed. The people themselves must back the organization from its inception. Thus Professor Coudenhove-Kalergi followed a wise course in appealing to the people's representatives in the various legislatures rather than in following M. Briand's procedure of appealing only to the foreign offices. Once the freely elected representatives of the people espouse the policy of European federation, the process of formally organizing the new government can begin with certainty of triumph.

The elected representatives of the people, therefore, should determine the time, place, and membership of the European constitutional convention which must be organized as an essential preliminary step in the formation of the federation. Either the Pan-European Union - although non-official - or the official Inter-Parliamentary Union could serve as the coordinating body in the preparations for the convention. The Pan-European Union is a possible choice because this organization has already taken the initiative in proposing and planning for the meeting of a Congress of European Members of Parliament in the summer of 1947.⁽²⁾ In view of the current discussions on the Marshall Plan, this conference may be temporarily postponed. However, the responsibility for preliminary arrangements must rest, in the final analysis with the governments' elected officials.

When the constitutional convention finally meets - and it may be sooner than we realize - it must set about drafting the constitution. The

(1) "European Federal Union, Replies of Twenty-six Governments of Europe", International Conciliation, No. 265, December, 1930.

(2) Thomas, op.cit., p. A 1150.

help it will receive from existing federal constitutions and their histories will be inestimable. There is every reason to expect, furthermore, that this Congress, receiving its mandate from the people, will propose a continental government based on the three necessary requirements which we have specified in Chapter IV and thus incorporate in the new constitution the minimum provisions set forth therein.

Included in the draft constitution there will have to be a clause stipulating the method of its ratification and the minimum number of states required to ratify the constitution before the federation comes into existence. Following these provisions there must be set forth the method by which the first federal election date would be determined. A certain period of time for the preparation of the elections would have to be provided after the last of the minimum number of states had ratified the document. If the constitution provided for a complete turn-over of membership in the Lower house with elections every three years as recommended in this paper in accordance with the Swiss provisions, it need not imply that other states, delaying in their ratification, would have to wait three years before joining. Rather they could arrange for immediate or simultaneous elections upon ratification, their representatives serving for the remainder of the legislative term. Again it must be repeated, however, that the details concerning ratification must rest upon the principle of popular ratification, the people themselves expressing their will in this respect.

When placing the idea of a European federation in the realm of reality in this way, two interesting questions arise, the answers to which can be only academic. The first question is: will the European monarchies, such as the Dutch, Danish, Swedish and Greek, have to be dissolved prior to the entrance of these countries into the federation? Our answer can

only be: not necessarily, if the monarchs are symbols or figureheads of national feelings and if the reigns of government lie in the hands of the people and their representatives. However, this is a question for the drafters of the constitution to decide, and it is very possible that the monarchies will be retained on that basis. With reference to this question it could be added here that there need be no doubt as to the adaptability of the Swiss federation to European federation for it is possible for the former structure to fit into the latter without any sacrifice or compromise of constitutional processes.

The second question pertains to the colonies of the European states which will join the federation. Will these dependent areas remain within the jurisdiction of the states or the federal government? It is not impossible to conceive of a European federation with colonies administered by the states which had previously owned them. If the sacrifice of colonies (which have proven to be as much a burden to the European mother countries as they have been advantageous) would discourage the entrance of such countries as France, Belgium and the Netherlands, the chief colony holders in Europe, it is entirely possible to arrange for jurisdiction to remain with these countries without compromising basic federal principles. The jurisdiction of the federal government would naturally extend to the colonies to the degree that it affects the states. The turning over of colonies to the direct administration of the central government, however, would not involve the confiscation of private property or disruption and radical changes in trade; procedures of government only would be modified. Not only the desire of the member states but even the dictates of efficiency may lead to the administration of colonies by their previous owners. There is no doubt, however, that the federation as a whole cannot fail to benefit

from the economic activities of the colonies; and the joining of the mother countries in the federation can only increase the economic value of the colonies. Thus we must conclude that both with respect to monarchies and colonies, the European constitutional convention is free to decide the issues in accordance with the will of the majority, as a choice of any of the alternatives need involve no compromise of basic federal principles.

Let us now visualize the existence of a European federal union, of a United States of Europe, with a constitutional structure similar to those outlined in Chapter IV. By so doing we may ascertain the general effects upon Europe and the world. How many complicated and grave European problems already depicted will be gradually, sometimes automatically, solved as a result of the existence of such an organization?

It will be difficult to include in this mental picture a physical outline of the European federation because of its anticipated expansion over a number of years. For many of its early years it may include only the present democratic western European countries, but we assume that it will and must inevitably grow as a result of the tremendous benefits its members will have derived from its existence, benefits which the more reluctant neighbors will want to share. If an artificial or arbitrary limit were to be placed upon its possible expansion, the federation would be defeating its purpose. Who knows, the European federation may some day in the distant future include Great Britain and Russia although the participation of the latter is difficult to perceive at the present. Radical internal changes would be necessary for Russian participation; but even the joining of Spain, Portugal and Poland will require thorough political transformation; yet it would be unwise to automatically exclude them. Furthermore, it will not be easy to conceive of a compact physical

unit at the commencement of the federation, for if Greece should join prior to her neighbors, she would have no physical connection with the federation. Then too, the colonies possessed by some of the democratic countries in other continents will automatically become part of the federal union extending its area of jurisdiction beyond continental bounds. Thus while it would be most satisfying to draw an impressive map of the United States of Europe and preach of the geographical and natural advantages endowed this new nation, in so doing we would have to discard the important factor of time and change and remove the federation entirely from the realm of reality.

Let us therefore consider this federation as a continually expanding one, determining its effects upon Europe by bearing in mind continually its potentialities for growth.

Although we must not fail to realize that the economic divisions existing for centuries cannot be torn down overnight, the value and tremendous effect of economic collaboration within an organized political sphere cannot be overestimated. The dropping of trade barriers amongst its members may result in temporary economic dislocations but the change can be supervised by the central government to ensure the minimum of damage. After the preliminary negative repercussions, however, an increase in trade within the union is inevitable with all members benefitting therefrom. The natural economic laws of free trade will come into play where before they had been stifled and abandoned through such arbitrary political policies as tariffs, quotas, exchange controls, etc. Because of the dropping of customs barriers one state may find itself using the raw materials or other supplies of another which before had been excluded. The economic advantages can be shared by all and a single expanding econ-

omic unit gradually will emerge. The facilitation in reconstruction and rehabilitation through the free exchange of supplies and politically implemented efforts towards cooperation cannot possibly be overestimated. Furthermore, the economic jealousies that have long existed between the more economically advanced European states and the backward nations should soon fade away as the poorer gradually benefit from unrestricted trade with the more wealthy. No artificial controls need interfere with the possibility of mutual aid and development of increased economic advantages. By merely dropping internal trade barriers and the economic meaning of boundaries Europe will be on the way to helping herself, as economic coordination becomes more effective.

There should also result a gradual emancipation of the member states from complete dependence on foreign economic aid. The federal government, with the sole power to coin money and regulate currency would handle financial negotiations with other governments; and even though the union will be in a debtor position during its early years, the degree of dependence upon outside help will decrease by the simple pooling of financial resources within the union.

The federal union will gradually restore the continent's pre-war status in world trade with exports continually increasing as reconstruction accelerates. It is only logical that all nations must benefit from an increased contribution from Europe. A depressed Europe can only drain the world's resources, a revived and productive Europe can add to those resources. Indeed, as Europe increases her production to the extent that she becomes an exporting nation, then she can make a sorely needed contribution towards building the backward areas of the world in Asia and Africa and thus allow all to share in her new found economic blessings.

It is difficult to conceive of a Europe of shortages becoming so productive as to not only satisfy her own needs but those of other countries and continents. This can be done, however, if one of the basic causes for her shortages can be destroyed, namely restrictions upon Germany production. With Germany - or even part of Germany - a member of the United States of Europe, the fear for her future aggression must automatically vanish. The paradox of Germany's relation to Europe would be resolved. Even though the British, French, and American zones only should become part of the federation, the Ruhr can recommence production on the scale of which it is capable, and reach even greater heights than before due to the increased economic integration with the Rhineland and Lorraine. Not only the federation but the rest of the world will benefit from the increased productivity. Yes, the present overwhelming international problem of Germany will be but past history when she becomes a healthy and vigorous unit of the European federation. Her political re-education will become incredibly accelerated through participation in this important venture in democracy.

We have listed but a few of the uncountable economic advantages which will accrue to Europe as a result of the mere formation of a federation. Do we dare imagine the heights to which Europe could climb if the federal government were to be given such powers of coordination as to set up throughout Europe a series of "T.V.A." projects to revitalize all her economic activities? And yet such projects and even greater economic strides are possible under the federal system.

Turning from the vision of a Europe gradually and painstakingly restoring her economic self-respect in the world, we can foresee a democratic rebirth on the continent. A new, vitalized democracy must gradually emerge from the ruins of nationalistic war. The permanence of this revival is ensured, furthermore, by the protection of the federal constitution

and its Bill of Rights. The problem of the rights of minorities should soon vanish as individual freedom is restored and enforced. The minority cultures would be free to flourish without fear of repression; and even the fear which prompted oppression in the past will have been destroyed as the restrictive nature of national boundaries gradually diminishes in importance. Cultural individuality has always been and promises to remain a powerful influence in European affairs, and the federation will be designed to maintain respect for cultural integrity and development.

The conflict over national boundaries too will gradually diminish as the new federation uses its power to arrange fair solutions to each problem through strictly democratic methods. Even if a small group may be dissatisfied with the decisions reached, there would be no restrictions to their movement across boundaries as easily as citizens of the United States of America move unhindered from one state to another as they desire.

Not only should the federation protect individual freedom and strengthen democratic institutions within her borders, but the effect should eventually weaken and convert other European dictatorships as the subjected people yearn to share the obvious advantages enjoyed by the members of the federation. Even the conflict of ideologies between democracy and communism will appear in a less fearful light. The European democracies protected by their federation need no longer feel that communism must be destroyed in order that democracy may survive in Europe. These States, fortified by basic constitutional law, strengthened through mutual aid and cooperation, can be free to follow the famous dictum "live and let live". The federation will be equipped by democratic law to tolerate and withstand possible communist infiltration. Furthermore, any neighboring communist country will find it politically advantageous to maintain harmonious relations with a

powerful neighboring nation which is literally telling its people that they too can become part of the federation by simply restoring their democratic institutions. Tension should merely increase if the federation did not allow for the element of progressive change and permanently drew its boundaries between eastern communist countries and the democratic countries. Then communist nations would be justified in concluding that the federation was formed as an alliance against not only communism but against the nations themselves. Neither the nation nor the people would be excluded, however, just their anti-democratic political institutions, and the ever-present opportunity to ratify the federal constitution can be their constant reminder that no aggression is intended. Perhaps that is what one calls "turning the other cheek" in international affairs. .

It is difficult to forecast the repercussions upon relations among the Big Powers when the European federation is organized. There is no doubt that the United States and Great Britain will look kindly upon the new government, judging by their present collaboration on the Marshall Plan, but there is doubt as to Russia's reaction. She may at first be alarmed and fearful that another alliance has been formed against her. Yet it is possible that, with the growing economic strength and independence of Europe a new balance will be created amongst the powers of the world resting squarely upon the shoulders of the United States of Europe. A Europe requiring less foreign economic aid and gradually abandoning any phantoms of foreign control, capable of paying the reparations due Russia, may release the tensions between the United States and Great Britain on the one hand and Russia on the other, and the chief causes of their disputes may disappear.

Inevitably a United States of Europe will have to assume its position in world councils as one of the great powers. That development need not be

long after the establishment of the federation. And the United Nations is equipped to make a place for her. In Article 52, Paragraph 1 of the United Nations Charter we find the following provision:

"1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations."

It will be necessary, however, for the United Nations to decide upon a possible change in the number of votes for Europe in the organization. If the federal government alone carried out the foreign relations of the federation, it is to be expected that the many European votes will resolve into one, while at the same time, the United States of Europe assumes its place among the great powers. As a result there will be fewer votes on the side of the democracies; but on the other hand, less cause for disagreement between democratic and communist countries.

Not only may the existence of the United States of Europe restore the necessary balance among the nations of the world and possibly prevent the recurrence of another devastating world war, but we should not fail to mention the powerful effect its existence will have upon the minds of the security conscious people of Europe. We have mentioned in the beginning of the study how the fear for national security has been one of the basic factors in Europe's failure to recover and cooperate within her borders. The existence of the federation equipped to handle the problems of military defence together with the possibility of preventing another war should automatically lift from these small countries one of their heaviest burdens. Divided they fall, united, they stand! Each of the states and the federation as a whole can proceed to concentrate their full attention upon economic

social and cultural rebirth.

Indeed, a cultural renaissance must be inevitably in store for Europe upon the formation of a European federation. The release of fears, economic and political, the broadening of horizons, the increasing intercourse between different national cultures across heretofore restrictive boundaries together will fire Europe with a new spirit, a real vitality of which the whole world knows she is capable. How could all mankind help but benefit from Europe's rebirth which a United States of Europe alone can promise? And as Europe takes her place amongst the world's leaders we can foresee the gradual emergence of one world, the one world of all our dreams. The European federation will reflect a general historical trend whereby the world develops larger and more expansive political units. As these units effectively coordinate their economic activities within their borders, protect ever changing democratic institutions, enlarge the area of intercourse amongst themselves, and as they are guided by the same fundamental principles, the possibility of conflict must disappear and cooperation must reach expanding heights.

Certainly the United States of Europe will be built upon principles basic to the progress of all mankind bringing general improvement in the whole field of international relations. A vital European federation could well serve as a powerful economic and cultural link between the Western Hemisphere and the Orient and Africa thus accelerating the necessary progress of backward continents and the world's enjoyment of greater economic, political and cultural freedom. The emergence of a united Europe from a tattered area of conflict will provide a precedent unsurpassed for the formation of a world federation which the atomic age requires for mankind.

Thus we have unfolded the possibility of destroying all the European

problems, economic, social, and political, outlined in Chapter II through the establishment of a federation of European states. The important requirement in handling these problems has been the creation of the most efficient, satisfying and adaptable political organization through which the troubled nations of Europe could cooperate and pool their energy and resources. Having fulfilled this requirement on paper, the actual solution of each problem must rest with people of Europe and their representatives in state and federal legislatures. There is every reason to have faith in the competence and sincerity of the Europeans, once they adopt the principles of federalism, to meet effectively the challenges facing them. Little can be expected of them without the efficient political implementation of federalism; but through this powerful structure tremendous accomplishments can be anticipated. Europe for centuries has been the world's leader in the development of civilization, and through her ~~new~~ federation, she can rise above her present depressed conditions to reclaim her well earned position of leadership in the progress of mankind.

In conclusion, let us rejoice in the vision of the great French poet, Victor Hugo - a vision which may soon become a reality and a vital force in the world:

"The day will come when these two huge unions, the United States of America and the United States of Europe, will face and greet each other across the Atlantic; when they will exchange their goods, their commerce, their industry, their art, and their genius - to civilize the globe, to fertilize the deserts, to improve creation under the eyes of the Creator, and to assure the greatest benefit for all by combining these two infinite forces: the brotherhood of man and the might of God."

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